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A
COLLECTION
OF

State Tracts,

Publish'd during the

REIGN
OF

King William III.

VOL. II.

WITH A

Table of the several TRACTS in this Volume,

AND AN

Alphabetical INDEX of Matters.

LONDON,

Printed in the Year M. DCC. VI.

History

A
COLLECTION

OF

State Trials

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REIGN

OF

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LONDON
Printed in the Year M.DCC.VI.

596/08

ADVERTISEMENT.

IT may be thought needless, after what has been said in the Preface to the First Volume (not to mention the good Reception it has met with) to repeat any thing of the Usefulness of this Undertaking. But if it should be objected that two or three Tracts here publish'd are foreign to this Design, as not being strictly Political; it may be consider'd, that foras-much as those Tracts do tend to promote the Civil Interest of Human Societies in one Respect or another, 'twas not improper to preserve 'em in this Collection. And as to some Pamphlets here printed, which oppose one another, particularly on the Subject of a Standing Army, and the Resumption of the Forfeited Estates in Ireland, in both which 'twas possible for those who lov'd their Country to have different Sentiments; 'twas thought most candid to publish such Tracts as were suppos'd to contain the Strength of the Arguments on both sides; It not being the business of the Publishers to pretend to determine which Party has the strongest Reasons, but to leave every one to judg for himself. If some Persons will not allow this to be a sufficient Reason, yet the Advantage a Reader often receives, by seeing the Books answer'd as well as the Answers themselves, 'tis hop'd will justify what has been done in this respect.

It only remains to acquaint those Gentlemen who might expect to find several Pieces of Mr. Sam. Johnson in this Collection, and likewise of another Author who has written divers Discourses on the Affairs of Scotland; that 'tis shortly design'd to print all Mr. Johnson's Works in one Volume in Folio: And 'tis probable the other's may be also publish'd together.

Books lately Publish'd, on Political Subjects.

ADvices from *Parnassus*, in two Centurys; with the *Political Touchstone*, and an Appendix to it. Written by *Trajano Boccalini*. To which is added, a Continuation of the Advices, by *Girolamo Briani* of *Modena*. Translated from the *Italian* by several Hands. Revis'd and corrected by Mr. *John Hughes*.

Discourses concerning Government, by *Algernon Sidney*. The Second Edition corrected. To which is added the Paper he deliver'd to the Sheriffs at his Execution, and an Alphabetical Table; with his Effigies done from an Original.

The *Oceana* of *James Harrington*, and his other Works. With his Life prefix'd.

N. B. There was a small Number of each of these 3 Books printed on Large Paper.

The True Interest and Political Maxims of the Republick of *Holland* and *West-Friesland*. Written by *John De Witt* and other Great Men in *Holland*.

A Collection of Fables taken from the most Celebrated Mythologists. With Political Reflections upon them. Suppos'd to be written by the same Authors.

An Account of the Courts of *Prussia* and *Hanover*, sent to a Minister of State in *Holland*. To which is added, The Ordinances, Privileges and Statutes of the Royal Academy erected by the King of *Prussia* in *Berlin*.

Pliny's Panegyrick on the Emperor *Trajan*. Done into English from the Original, and dedicated to her Royal Highness the Princess *Sophia* of *Hanover*. By *Geo. Smith Esq;*

The Titles of the several Tracts contain'd in the Second Volume.

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REMARKS

REMARKS

UPON THE

TRIALS

OF

Edward Fitzharris, } *Colonel Sidney,*
Stephen Colledge, } *Henry Cornish,*
Count Coningsmark, } and
The Lord Russel, } *Charles Bateman ;*

As also on the Earl of *Shaftsbury's* Grand Jury,

Wilmer's Homine Replegiando,

And the Award of Execution against *Sir Thomas Armstrong.*

THE strange Revolution which hath of late happen'd in our Nation, naturally leads one into the Considerations of the Cause of it. The Danger of subverting the Establish'd Religion, and invading Property, alone could not be the Causes. For if it be true, that the same Causes have generally the same Effect: it is plain, that in the Reign of a precedent Monarch, the Subversion of the Establish'd Religion was as much design'd, or at least was believ'd to be so, as of late; and it is not material whether what was suspected was true, or not; and Property was as much invaded as of late, by imposing Ship-mony, and other Taxes in the Nation; but more especially Ship-mony; which at first was light and easy, but in progress of time was increas'd, according as it was found the Nation would bear it. And at length it was feared, as there was just reason so to do, that it would become as burdensom, as what is now impos'd on the French Nation by the French King; and yet when the War broke out, if the History of those Times, or the Persons who liv'd about those Times, are to be believ'd, the majority of the Nation took part with the King. There were therefore some other Reasons for the Disaffection of the Nation to the late Government, and they may be ranked under these six Heads.

Cause of the late Revolution.

Causes in former Reigns.

Other causes of the Nation's disaffection.

Exorbitant Fines.

Exorbitant Fines; Cruel and Illegal Prosecutions; Outrageous Damages; Seizing the Charters; Dispensing with the Test and Penal Laws; and undue Prosecutions in Criminal, but more especially in Capital Matters.

For the first I shall only observe, That when the House of Commons in the Parliament 1680. took that Matter into consideration, and intended to impeach several Persons for the same, the highest Fine at that time complain'd of, was but 1000 l.

Remarks on Fitzharris's Trial.

and yet in few Years they were heightned to 10000 l. 20000 l. 30000 l. and 40000 l.

Cruel Punishments.

For the Second, The punishment of *Oates*, *Dangerfield*, and Mr. *Johnson*; and the close Imprisonment of Mr. *Hamden*, Sir *Samuel Barnardiston*, and of several other Persons, as they were against Law, so they were without Precedent.

Outrageous Damages.

For the Third, Tho the Damages given to *Bolsworth* were the first outrageous Damages given, which were taken notice of, and in truth were such; yet in little time Damages for matters of like kind were quickly improv'd to 10000 l. 20000 l. 40000 l. nay 100000 l. The truth of which a great many living Witnesses to their sorrow can testify.

Seizing Charters.

For the Fourth, The seizing the City and other Charters, upon the pretences they were question'd, was without Example.

Dispensing Power.

For the Fifth, The dispensing with the Test and Penal Laws, was as mischievous as it was illegal; it making Persons capable, who were incapacitated by Law of being in Places, of exercising Offices, for whom the Persons who had Power to confer or bestow the same, had more affection than for the Persons who at that present enjoy'd them: the Consequence of which was quickly seen, in turning out the present Possessors to make room for others; which was the thing which, as a *Scotch Bishop* said of another Matter, *set the Kiln afire*.

Of these five Particulars something hereafter may be said, at present this Treatise is only to consider, how far the Proceedings in Capital Matters of late Years have been Regular or Irregular: And as to that I shall not at all consider how far the Persons hereafter mention'd were guilty of the Crimes of which they were accus'd, but how far the Evidence against them was convincing to prove them Guilty, and what Crimes the Facts proved against them in Law were.

Remarks on Fitzharris's Trial.

Fitzharris an Irish Papist.

THE first Person I shall begin withal shall be *Fitzharris*; and that it may not be wondred, that the Trial and Condemnation of a Person who was confessedly an *Irish Papist*, should be complain'd of; and one whose Crimes were such, that if the Law declar'd had not made Capital, it had been just, in respect of the Malefactor, for the Legislative Power to have enacted, that he should suffer the severest Punishment usually inflicted for the highest Crime: yet in respect of the common good, it had been just and fit to have pardon'd him, if he would have confess'd who were his Conspirators and Setters on; for I am apt to think, that if that Matter had been thorowly look'd into, some Persons afterwards Witnesses in the Lord *Russel's*, Colonel *Sidney's*, and Mr. *Hamden's* Trials, had either never been produc'd, or have not been credited if produc'd; nor would my Lord of *Essex's* Throat have been cut; and my Lord *Russel* and Colonel *Sidney* might have worn their Heads on their Shoulders to this day.

Fit to be pardon'd if he would confess who set him on.

Great struggle about him.

Mr. Claypole's treatment.

All will agree, that there was a great struggle between the *Whigs* and *Tories* as they were then call'd, for hanging or saving that Man: Both agreed he deserv'd to be hang'd; the first thought it their advantage to save him if he would confess; the last thought it was fit to hang him for fear he would confess. And to explain the Matter, it is fit to go a little higher: It cannot but be remembered, that before the breaking out of the Popish Plot, Mr. *Claypole* was imprison'd in the *Tower* for designing to kill the King, in such place and manner as *Oates* afterwards discover'd the Papists intended to do it. In *Trinity Term* 1678. he had an *Habeas Corpus* to the *King's Bench*, and was brought thither in order to be bailed, and produced Persons of worth to bail him; but the Penalty of the Bail set by the Court was so high, and the Court so aggravated the Crime for which he was committed, and the likelihood of the Truth of it, that the Bail refus'd to stand, and *Claypole* was remanded to the *Tower*. But the Term after, when the Matter of which he was accus'd, appear'd barefac'd to be the Design of other People, he was let go, for fear the Examination of it should go further in proving the Popish Plot, than any thing at that time discover'd. And if it were now discover'd, upon whose and what Evidence he was committed, it would go a great way in discovering the Truth of many

ny Matters as yet in the dark (but that Design miscarry'd, because the Intrigue was discover'd before it took effect, and yet a like Design was still carry'd on; and many of the Clergy of the Church of *England* had been prevail'd with to cry the *Popish* up as a *Fanatick* Plot.) The *Papists* and the Clergy of the Church of *England* being in the late Times equally Sufferers, and oppress'd by the *Fanaticks*, they naturally grew to have a Kindness for each other, and both join'd in hating the *Fanaticks*, and therefore pretended at least that they did not believe any thing of the *Popish* Plot, but that that Report was given out by the *Fanaticks*, whilst they themselves were designing something against the Church of *England*. The *Papists* having so great a part of the Clergy of the Church of *England*, ready to believe any thing of a *Fanatick* Plot, which they should forge, and observing that that which gave Credit to the *Popish* Plot, was Writings concurring with Oral Testimony, which it did; for very little of the Truth of the *Popish* Plot depended on the Credit of *Oates*, *Bedloe*, or any other Person, most of the Facts of that Design, when discover'd, proving themselves: To instance in one, *Oates* discover'd *Coleman* had Intelligence with *Le Chaise* of a Design on *England*, and that *Coleman* had Papers testifying as much; when those Papers were seiz'd, and own'd by *Coleman*, and the purport of them was what *Oates* said they were, it was not material, whether *Oates* was a Man of Truth or not, the Papers, without *Oates* his further Evidence, sufficiently prov'd the Design. I say, the *Papists*, having observ'd what the Evidence was which gave Credit to that Plot, resolv'd to pursue the same steps, and therefore *Dangerfield* was made use of to leave Papers in Colonel *Mansel* his Lodging, who was an Acquaintance of my Lord *Shaftesbury's*, importing a Plot; but that was so foolishly carried on, and the then Attorney General, who had the Examination of that Matter, not being qualify'd with the Assurance his Successor had, to carry on a thing that had neither Sense nor Honesty in it, made such a scurvy Report of the matter to the King and Council, that they were enforc'd to vote *Mansel* innocent, *Dangerfield* guilty, and that it was a Design of the *Papists* to lay a Plot to the Dissenters Charge, and a further proof of the *Popish* Plot. But that Attorney General being remov'd to a place of more Honor, tho of less Profit, and another put in his place, the *Papists* resolv'd to carry on the same Design, and no Person a fitter Instrument than *Fitzharris*, in respect of his Religion and his Acquaintance; but before his Design came to perfection, it was discovered.

Many Clergymen cry down the *Popish* Plot.

Coleman's Letters the sure Evidence of the *Popish* Plot.

He was first imprison'd in *Newgate*, where some Persons (amongst whom Mr. *Fitzharris* *Cornish*, as I remember, then Sheriff, was believed to be one, and it was not the least of his Crime, that he endeavor'd to look into that *arcanum*) went to examine him as to the particulars of that Design; which was quickly taken notice of, and the Prisoner, in breach of the *Habeas Corpus* Act, remov'd from thence to the Tower, where he was kept close Prisoner.

Fitzharris examin'd in *Newgate* by Mr. *Cornish*.

The Parliament at *Oxford* meeting soon after *Fitzharris* his Apprehension, and the House of Commons being inform'd of as much of his Design as was then discovered, they thought themselves highly concern'd to examine him; but how to do it they knew not; only they resolv'd (upon a Report which one of their Members made them of one *Hubert*, who confessed himself guilty of Firing the City of *London*, upon which it was resolv'd to examine him in the House of Commons the next Morning, but before the House sat *Hubert* was hang'd) that *Fitzharris* should not be hang'd without their Knowledge and Consent; and to effect it, they remembred a design to try the five *Popish* Lords in the Tower upon Indictments, whereupon if they should be acquitted, it was thought that those Acquittals might be pleadable to Impeachments: to prevent which, the House had exhibited general Impeachments of High Treason against them in the House of Lords; which had such success, that the Lords were never, and the Judges gave their Opinion that they could not be tried on the Indictments, as long as the Impeachments were in being; for which Reason, the House of Commons exhibited a general Impeachment of High Treason in the House of Lords against *Fitzharris*, which was receiv'd; after which the House of Lords made an Order, that *Fitzharris* might or should be try'd in the *King's-Bench* for the same Treason; suddenly after which, that Parliament was dissolv'd. Whether *Fitzharris* his Business was the break-neck of that Parliament, I know not, but it was shrewdly suspected it was.

The *Oxford* Parliament concern themselves in *Fitzharris's* Trial.

Thought to have occasion'd its Dissolution.

There was at that time a Chief Justice in the *King's-Bench*, who was himself under an Impeachment of High Treason, and had not for that reason sat in Court for some Terms preceding: and the Trial of *Fitzharris* being generally look'd upon

A new
Chief Jus-
tice made
on purpose
to try him.

upon to be as illegal as it was odious, it was thought convenient to carry it on by a Person of better Credit; whereupon one who had been a puisny Judge of that Court, and had behaved himself very plausibly, and had gained Credit by being turn'd out, was thought to be the fittest Person to undertake it: and accordingly the then present Chief Justice was remov'd, and the other was preferred to his place.

It being resolv'd that *Fitzharris* should be try'd, the business was how to get Witnesses to give Evidence to a Jury, and how to get Juries to find the Bill, and to convict the Prisoner, which were difficult Preliminaries.

Difficulties
about the
Trial.

A Person who had been one of the House of Commons which had exhibited the Impeachment, was a principal Witness: but if he should give Evidence on the Indictment, he knew not how far he might be hereafter questionable and punishable for it, when a Parliament should sit again; but at last that Person was prevail'd upon to give Evidence, but by what means is best known to himself. And as for the Juries, Grand and Petty, they were satisfy'd with the direction of the Court, that they not only might, but ought to find the Bill, and Verdict according to their Evidence. And I think the Court was so far in the Right.

Indicted
for High
Treason at
the Kings
Bench.

That matter being adjusted, a Bill of High Treason was found against the Prisoner, whereupon he was presently arraigned; and after much Contest and Declaration of the Court, that they could hear nothing till he had pleaded in chief, (which if he had done, the *Plea* he afterwards pleaded, which was to the Jurisdiction of the Court, had come too late) he had leave given him to plead the special matter of the Impeachment, and accordingly Counsel were assign'd him to draw up and argue his *Plea* put in to the Jurisdiction of the Court; which was, *That he was impeached in a Superior Court for the same Treason.*

Great endeavors were used to have the *Plea* over-rul'd, without so much as hearing the Prisoner's Counsel for the maintaining it; the pretences were, that the Prisoner on his *Plea* ought to have produced the Record of his Impeachment, and that the *Plea* of the Impeachment for High Treason in general was naught, without specifying what the High Treason was for which he was impeach'd; for an Impeachment or an Indictment of High Treason in general was naught; that the King had power to proceed on an Impeachment or Indictment for the same thing at his Election: That the Allegation, that *Fitzharris* was impeach'd, which Impeachment stood in full force, not having mention'd an Impeachment before, was naught. But afterwards the Attorney General demurred, and the Prisoner join'd in the Demurrer.

Plea about
the Juris-
diction of
the Court.

And then day was given to argue the *Plea* till Saturday the 7th of May, at which time the Attorney added to the Exceptions he took to the *Plea*, whether a Suit in a Superior Court can take away the Jurisdiction of another inferior Court, who had an Original Jurisdiction of the Cause, of the Person, and of the Fact, at the time of the Fact committed?

Difference
betwixt an
Impeach-
ment and
Indictment
argued.

To maintain the *Plea*, the Counsel for the Prisoner alledged, that an Impeachment differ'd from an Indictment; the first was at the suit of the Commons of England, and was like an Appeal, or rather an Appeal resembl'd an Impeachment; that the proceedings were different in the Trials: In the first, the Trial is by the House of Lords; in the last, of a Commoner, by a Jury of Commons: In the last, but little time was allowed for giving or considering of the Evidence; in the first a much longer time: That this matter was never practis'd before; that the King may pardon a Criminal prosecuted by an Indictment, but not by an Impeachment, no more than if prosecuted by an Appeal: If he should be acquitted on the Indictment, it might be a question whether that may be pleaded in Bar to the Impeachment; and if not, the Prisoner should be brought twice in jeopardy of his Life for the same Crime, contrary to the Rule of Law.

Objections
answered.

To the Objection, that the *Plea* was not certain, it being pleaded as an Impeachment of High Treason, not setting forth the High Treason in particular, it was answer'd, that an Impeachment differ'd from an Indictment: for by the Custom of Parliament, which is the Law of the Land, such a general Impeachment is good; but by the Law, a general Indictment of High Treason, without specifying what, when, where, or how, is not good; and therefore the *Plea* of an Indictment and an Impeachment is variant.

As to the Objection, that there was no Impeachment mention'd before the averment of *quæ quidem impetio*, it was frivolous; for it was before mention'd that he was impeach'd, and then by a necessary Consequence there was an Impeachment.

As

As to the Objection, that the King might, in which Court he would, prosecute for High Treason, it was little to the purpose; for the Case did not come up to it, the Impeachment being the Suit of the Commons, and not of the King; and that the Courts of *Westminster Hall* had refus'd to meddle with Matters relating to the *Parliament*. That tho the Impeachment was general, yet it was made certain by the Averment; that it was for the same Crime for which the Indictment was: That the Attorney General might have taken Issue; that there was no such Impeachment as was pleaded; or else he might have said, that the Impeachment was not for the same Treason, for which he was indicted; but having demur'd, he had confess'd both to be true: That at Common Law, if an Appeal of Murder had been brought, the King could not proceed on the Indictment, till the Appeal was determin'd; that the Judges, whereof some were then in Court, had given their Opinions to the King and Council, concerning the five Popish Lords, that they could not be try'd upon Indictments, so long as general Impeachments were depending for the same Treason; and yet their Cases and this differ'd, there the Indictments were found before the Impeachments prefer'd, and here, after the Impeachment.

Inferior Courts refus'd to meddle in Parliament Matters.

In the reply to vitiate the *Plea*, it was insisted, that it did not conclude *si curia procedere debeat* as well as *vult*, as was usual for *Pleas* of that nature to do; that perhaps this Matter, if the Prisoner had been acquitted upon the Impeachment, might have been pleaded in Bar to the Indictment, but it was not pleadable to the Jurisdiction of the Court; that in the Case of the five Lords the Indictments were remov'd into the House of Lords; that Appeals in Treason are taken away by the first of Henry the 4th; that in the *Plea* it ought to be aver'd, what *Lex & Consuetudo Parl.* are; that till Articles carry'd up, no Man impeach'd is oblig'd to answer; that in all Cases of Appeals a Man is put twice in jeopardy of his Life, if he be try'd upon an Indictment within a year.

Plea about the Jurisdiction of the Court.

To take a short Review of what hath been recited, it was thought the King's Counsel run the Court upon a Rock, and it was hard for them to get off. The Court had advis'd them to take time to consider what course they would take; but the King's Counsel were hasty, as they always were when they were resolv'd to carry a Matter right or wrong; and having three bad ways, they chose the worst.

The King's Counsel overrules the Court.

If they had taken issue on the Record, or the Averment, that the Impeachment and Indictment were not for the same Treason, they might have pretended that the Journal of the House of Lords was not a Record, or that the Debates in the House of Commons were not good Evidence; or if they had reply'd the Order of the House of Lords, for trying the Prisoner in the *King's-Bench*, to the *Plea*, they might have insisted on the Power of the House so to do: but having demur'd, they confessed the Truth of all the Matter of the *Plea*, and wav'd the Benefit of that Order, and stood upon Points of Law, either conceded by the Court, or resolv'd by the Judges before, or such necessary Inferences from them as were impossible to be deny'd.

It could not be deny'd, but that a general Impeachment of High Treason by the Custom of Parliament was good; it could not be deny'd, but, by the Resolution of the Judges in the Case of the Lords in the Tower, a general Impeachment of High Treason stopt proceedings upon an Indictment for the same Matter. It did not differ the Case, that the Indictments in the *King's-Bench* against the Lords, were remov'd into the House of Lords; for every one knows new Indictments might have been prefer'd against them for the same Crimes. And if that had been the Reason of the Judges Resolution, why did not the Judges then in Court, all or most part of whom were Judges at the giving that Opinion, deny the Opinion, or the Reason alledg'd? which they did not. It was not a Reason to disallow the *Plea*, because particular Articles use to follow general Impeachments, and the impeacht are not bound to answer till the particular Articles were exhibited, which is true; for by the same Reason, a Defendant cannot plead an Action depending against him for the same Matter in a superior Court, unless the Plaintiff hath declar'd against him in the superior Court, which is not true. It was not a Reason that all Records in inferior Courts must be pleaded particularly, as Indictments, and the like; because such Records must be certain and particular, or else they are erroneous, and cannot be pleaded; but an Impeachment may be general.

General Impeachment by Custom of Parliament good.

Where the Matter of a *Plea* is naught, no Form can make it good; tho where the Matter of a *Plea* is good, an ill Form may spoil it. If therefore a general Indictment or Record is naught, as in all the cases cited against the *Plea*, it was no special Averment to reduce it to a certainty; or any Form can make it a good *Plea*: but a general

When a Plea is good or naught as to form.

general Impeachment is good, and therefore it may and must be pleaded generally; and pleading it specially, would make it false, if there were no subsequent Articles, as in this case there were not, to ascertain it.

Defects in
form ought
to be mended.

Offers to
mend the
Plea of no
use.

Three of
the Judges
declare the
Plea insufficient.

The Court
ought to
give their
Reasons.

When one
swears true
or false.

Judges
ought to
give their
Reasons in
publick.

Chief Justice
Popham censured
for his Opinion
in Sir Walter
Rawleigh's
Tryal.

It is to no purpose, to run thro' all the Ramble of the Counsel or Court against the Plea, when they all said the Matter of the Plea was not in question, but the Form; and yet when so often ask'd in what of the Form it was defective? they were not able to answer. If it be agreed that the Matter of a Plea is good, but it is defective in Form, they always shew how it ought or might have been mended, which in this case was never done: And as this Case was new in several particulars, so it is in this, that in reading all the Arguments of this Plea, no Man knows, by what was discours'd, what was the point in question.

After the Arguments, the Chief Justice, in shew at least, very favourably offers the Prisoner's Counsel Liberty to amend the Plea, if they could; which they (apprehending, as they had Reason, for I think none can shew how it might have been mended, rather a Catch than a Favour) refus'd to do; whereupon the Court took time to consider of it, and on the 11th of May, there being a great Auditory, rather to hear how the Judges would bring themselves off, than to know what the Law of the Plea was, the Chief Justice, without any Reasons, deliver'd the Opinion of the Court, upon Conference had with other Judges, that his Brothers Jones, Raymond, and himself were of Opinion that the Plea was insufficient, his Brother Dolbin not resolv'd, but doubting concerning it, and therefore awarded the Prisoner should plead to the Indictment, which he did, *Not Guilty*; and his Trial order'd to be the next Term.

I think it would puzzle any Person to shew, if ever a Court of *Westminster Hall* thought a matter to be of such difficulty as fit to be argu'd, that they gave their Judgments afterwards without the Reasons: 'Tis true, that the Courts of Civil Law allow Debates amongst the Judges to be private among themselves, but the Proceedings at Common Law always were, and ought to be, in *aperta curia*. Had this Practice taken place heretofore, as it hath of late (but all since this Precedent) no Man could have known what the Law of *England* was, for the Year-Books and Reports are nothing but a Relation of what is said by the Counsel and Judges in giving Judgment, and contain the Reasons of the Judgment, which are rarely exprest in the Record of the Judgment; and it is as much the Duty of a Judge to give the Reasons why he doubts, as it is of him who is satisfy'd in the Judgment. Men sometimes will be ashamed to offer those Reasons in publick, which they may pretend satisfy them, if conceal'd; besides, we have a Maxim in Law undeniable, and of great use, that any Person whatever may rectify or inform a Court or Judge publicly or privately, as *amicus curiae*, a Friend to the Court, or a Friend to Justice: But can that be done, if the standers by know not the Reason upon which the Court pronounce their Judgment? Had the three Judges, who were clear in their Opinion, given their Reasons of that Opinion, perhaps some of the standers by might have shew'd Reasons unthought of by them, to have made them stagger in, if not alter that Opinion; or if Justice Dolbin had given the Reason of his doubt, perhaps a stander by might have shewn him a Reason unthought of by him, which would have made him positive, that the Plea was, or was not, a good Plea.

If a Man swears what is true, not knowing it to be true, tho' it be logically a Truth as it is distinguish'd, yet it is morally a Lye; and if a Judge give Judgment according to Law, not knowing it to be so, as if he did not know the Reason of it at that time, but bethought himself of a Reason for it afterwards, tho' the Judgment be legal, yet the pronouncing of it is unjust.

Judges ought to be bound up by the Reasons given in publick, and not satisfy or make good their Judgment by after-thought-of Reasons. How very ill did it become the Chief Justice Popham, a Person of Learning and Parts, in the attainting Sir Walter Rawleigh, of which Tryal all since that time have complain'd, when he gave his Opinion that the Affidavit of the Lord Cobham, taken in the Absence of Sir Walter, might be given in Evidence against him, without producing the Lord Cobham face to face to Sir Walter (which was desir'd by him, altho' the Lord Cobham was then forthcoming) When he sum'd up the Evidence, he said, *Just then it came into his Mind, why the Accuser should not come face to face to the Prisoner, because he might detract his Evidence, and when he should see himself must dye, he would think it best that his Fellow should live to commit the like Treason, and so in some sort seek Revenge.* Which besides that it is against the Common Law, and Reason, it is against the express Statute of E. 6. which takes care that in Treason the Witness shall be brought face to face of the Person accus'd.

Did

Did it become a just Man to give his Opinion, and bethink himself of a Reason afterwards? And I am mistaken if it will not herein appear, that many Persons complained of, have been guilty of the same Weakness or Injustice, call it which you will; so foolish are the best Lawyers and plausible Speakers, when they resolve to carry a point, whether just or not: However they may deceive the Ignorant, yet they talk and argue very absurdly, to the apprehension of the majority of Mankind. And they had been sooner discovered, but that the Discoverers were quickly suppressed and crushed, as Scandalizers of the Justice of the Nation: And I think this may be justly called the first mute Judgment given in *Westminster-Hall*.

*The first
mute
Judgment
in West-
minster-
Hall.*

But to return to *Fitzharris's* Trial, which came on the 9th of June; and then the King's Counsel made use of their Arts in managing the Jury. And first, there were a great many Persons for Jurors, to whom Mr. Attorney had no Stomach; some challenged for Cause, for that they were no Freeholders, as *John Kent*, *Giles Shute*, *Nathaniel Grantham*, and several others; and the Challenge allow'd to be a good Challenge by all the Court; for tho the Chief Justice only spoke, yet all the Court assent to what one Judge says, if they do not shew their Dissent. I do not take notice of this, as complaining of it, for I think it is a good Cause of Challenge in Treason; but then I cannot but wonder at the Assurance of the same King's Counsel, who denied it to be a good Cause of Challenge in the Lord *Russel's* Trial. It is true, that was a Trial in the City; but that matter had no consideration in the Judgment: for after the Lord *Russel's* Counsel had been heard, all the Judges deliver'd their Opinions, That at Common Law, *No Freehold* was no Challenge in Treason; and that the 1st and 2d *Philip* and *Mary* had restor'd the Trial in Treason to be what it was at Common Law: of which number of Judges, *Sir Francis Pemberton* and *Sir Thomas Jones* were two; nay *Sir Francis Pemberton* ask'd Mr. *Pollexfen*, Whether he found any Resolution at Common Law, that no Freehold was a Challenge in Treason. And that Judgment is afterwards cited in Colonel *Sidney's* Trial, fol. 63. as the Opinion of all the Judges of England, That no Freehold was no Challenge to a Juror in Treason at Common Law; and Col. *Sidney's* Trial was in a County at large.

*The Ma-
nagement
of the
Trial.*

*No Freehol-
der, a good
Challenge.*

*But not al-
low'd here.*

But if it was not a Challenge at Common Law, I would know how it came to be a Challenge in *Fitzharris's* Case? There was no intervening Act of Parliament to alter the Law between the two Trials that I know of.

Another Art us'd, was to challenge for the King without Cause, where no Cause could be shewn, such Jurors as they did not like.

*Jurors
challenged
by the King
without
Cause.*

The Prisoner was troubled at this, and appeals to the Court, whether the Attorney General was not oblig'd to shew his Cause of Challenge; but is answered by the Court, that he need not till all the Pannel was gone thro, or the rest of the Jurors challenged, which is true; but had the Prisoner been advis'd to challenge the rest of the Jury, as he would have been if he had had Counsel, the Attorney must have wav'd his Challenge, or put off the Trial. And since he was not allowed Counsel, why should not the Court, according to their Duty, as they have said it is, have advis'd him so to do? I am sure in Count *Coningsmark's* Trial, when *Sir Francis Winton* challenged a Juror without Cause for the King, the Court presently ask'd the Cause; and such Answer was made by the Prosecutor's Counsel as was made to *Fitzharris*: Whereupon the Court told the Count, that the way to make them shew their Cause of Challenge, was to challenge all the rest of the Jury; and thereupon the Challenge was waved. They were different Practices, tending to different Ends; and accordingly it succeeded, *Fitzharris* was convicted, and the Count acquitted.

*The Priso-
ner per-
plexed, and
the Court
blamed for
not advi-
sing him.*

*C. Conings-
mark's
Case.*

Upon the Trial the Evidence was this, *Fitzharris* was the 21st day of February, 1681. with *Everard*, and gave him Heads by word of mouth, to write the Pamphlet in the Indictment mentioned, to scandalize the King, raise Rebellion, alienate the Hearts of the People, and set them together by the Ears; the Libel was to be presented to the French Ambassador's Confessor, and he was to present it to the French Ambassador, and it was to set these People together by the Ears, and keep them clashing and mistrusting one another, whilst the French should gain *Flanders*, and then they would make no bones of England: For which Libel *Everard* was to have forty Guineas, and a monthly Pension, which should be some thousands of pounds; *Everard* was to be brought into the Cabal, where several Protestants and Parliament men came to give an account to the Ambassador how things were transacted. *Everard* asked what would be the use of the Libels? *Fitzharris* said, we shall disperse them we know how; they were to be drawn in the name of the Nonconformists, and to be put and fathered upon them: This was the sum of *Everard's* Evidence.

*The Evi-
dence a-
gainst the
Prisoner.*

Mr. Smith
his Evi-
dence.

Mr. Smith prov'd *Fitzharris's* giving Instructions to *Everard*; and Sir *William Waller* and others prov'd the Libel, and the Discourse about gaining *Flanders* and *England*: Other Witnesses were examin'd to prove *Fitzharris's* hand, for the Prisoner. Dr. *Oates* said, *Everard* told him the Libel was to be printed, and to be sent about by the Penny-Post to the protesting Lords and leading Men of the House of Commons, who were to be taken up as soon as they had it, and searched, and to have it found about them. He said the Court had an hand in it, and the King had given *Fitzharris* mony for it already, and would give him more if it had Success.

Mr. Cornish's
Evidence.

Mr. *Cornish* said, when he came from *Newgate* to the King, to give him an account in what disposition he found the Prisoner to make a discovery, the King said he had had him often before him and his Secretaries, and could make nothing of what he did discover; that he had for near three months acquainted the King he was in pursuit of a Plot, of a matter that related much to his Person and Government, and that in as much as he made protestations of Zeal for his Service, he did countenance and give him some mony; that the King said he came to him three months before he appeared at the Council-Table.

Col. Mansel's
Evidence.

Colonel *Mansel* said, that Sir *William Waller* gave him an account of the business in the presence of Mr. *Hunt*, and several others, and said, that when he had acquainted the King with it, the King said he had done him the greatest piece of service that ever he had done him in his life, and gave him a great many thanks: But he was no sooner gone, but two Gentlemen told him, the King said he had broken all his measures, and the King would have him taken off one way or other, and said that the Design was against the Protestant Lords and Protestant Party. Mr. *Hunt* confirmed the same thing, and added, that he said the Design was to contrive those Papers into the hands of the People, and make them Evidences of Rebellion; and appealed to Sir *William Waller* who was present, whether what he said was not true. Mr. *Bethel* said, *Everard* before he had seen *Bethel*, or heard him speak a word, put in an Information of Treason against him, at the instigation of *Bethel's* mortal Enemy; which Information was so groundless, that tho it was three years before, yet he never heard a word of it till the Friday before.

Mrs. Wall
her Evi-
dence.

Mrs. *Wall* said, *Fitzharris* had 250 l. 200 l. or 150 l. for bringing in the Lord *Howard* of *Escrick*; she added, that *Fitzharris* was looked upon to be a Roman Catholick, and upon that account it was said to be dangerous to let him go near the King, that he never was admitted to the King.

Ld Con-
way's
Evidence.

The Lord *Conway* said, that the King had declared in Council, that *Fitzharris* had been employed by him in some trifling businesses, and that he had got mony of him; but added, as of his own Knowledg, that the King never spoke with him till after he was taken, which was the 28th of *February* last.

The Counsel
sum up the
Evidence.

All the Evidence being over, it was sum'd up by the Counsel, That upon all the Circumstances of it, *Fitzharris* was the Contriver and Director of the Libel; that it was a treasonable Libel, and a Jesuitical Design; that the Excuse he made, as if *Everard* drew him into it, or trepanned him into it, was vain, nothing of that being prov'd. That *Everard* could do nothing alone, and therefore Sir *William Waller* must be in the contrivance; but that was unlikely: That the Prisoner would insinuate that the King hir'd him to do it, because the King gave him mony, but that was out of Charity; and therefore concluded, with a great many words, that an *English* Protestant Jury of twelve substantial men, could not but find the Prisoner guilty.

Dr. Oates's
Evidence.

The Court added, that tho Dr. *Oates* said, *Everard* said it was a Design of the Court, and was to be put on some Lords, and into some Parliament Mens Pockets; yet *Everard* was there upon Oath, and testified no such thing in the World; and for the Impeachment in the Lords House, they were not to take notice of it.

The Juries
Scruple a-
bout the
Vote of
Parliam.
removed.

After which the Jury inform'd the Court, that they heard there was a Vote in the House of Commons, that the Prisoner should not be try'd in any inferior Court: To which the Chief Justice said, That that Vote could not alter the Law, and that the Judges of that Court had Conference with all the other Judges concerning that matter; and it was the Opinion of all the Judges of *England*, that that Court had a Jurisdiction to try that Man. After which, Justice *Jones* was of Opinion, that if he were acquitted on that Indictment, it might be pleaded in Bar to the Impeachment; and Justice *Raymond* deliver'd his Opinion to the same purpose. It is strange that all the Judges should be of that Opinion; yet before it was said, Justice *Dolbin* doubted.

J. Dolbin
was not of
the Opinion
of the other
Judges.

It is more strange, that if Justice *Dolbin* was not of that Opinion, he would hear it said he was, and not contradict it. It is most strange, that if the Judges of that Court

Court were of that Opinion, they had not declar'd so, in the arguing or giving Judgment on the Plea; for that was the matter of it, being pleaded to the Jurisdiction of the Court, that they had not power to try the Prisoner for that Crime, so circumstanced.

If the Plea had been over-rul'd as to the matter, none would have been so impertinent, as to go about to maintain the form of it.

Now to say truth in behalf of the publick, and not on behalf of *Fitzharris*, The Evidence was unfairly summed up; for *Everard* never pretended *Fitzharris* drew him in, or was to trepan him: It is true, he ask'd *Fitzharris* what the design of the Pamphlet was, and whether he was not put upon it to trepan others? who answer'd, he was not. But afterwards being too nearly prest by the Attorney General, he said, *Fitzharris* told him the use of the Libels was to disperse them he knew how; that they were to be drawn in the name of the Non-conformists, and put upon them. And *Oates* said, *Everard* said the Libels were to be printed, and sent abroad by the Penny-Post to the protesting Lords, and leading Men of the House of Commons, and the Persons seiz'd with them in their Pockets; which is all strong Evidence that the Libel was design'd to trepan others, and that was all along the import of *Fitzharris* his Questions, tho cunningly not answer'd by some of the Witnesses, and as cunningly omitted in summing up the Evidence. *The Evidence not fairly sum'd up.*

It is true, the Chief Justice said, *Everard* said no such thing as *Oates* had said; but why was not *Everard*, who was then present, ask'd whether he said what *Oates* had given in Evidence? *Everard not examin'd about what he said to Dr. Oates.*

There cannot be shewn any Precedent where a Witness contradicts, or says more or less than a Witness that went before him, by the hearsay of that Witness; but the first Witness is ask'd, what he says to it? Why was not Sir *William Waller*, who was also present, ask'd what he said to the Evidence of Mr. *Mansell* and Mr. *Hunt*? and who it was that inform'd Sir *William* what the King said? It was no way in proof, nor pretended by *Fitzharris*, that any Person was concern'd in that matter, but *Everard* and *Fitzharris*, tho it was shrewdly suspected by the House of Commons; and no Man that reads the Trial, but believes there were many more concern'd, not yet discover'd: but the Counsel might have brought in any Judge of the Court by the Head and Shoulders to be a Confederate, as well as Sir *William Waller*, who was a *Jack-a-lent* of their own setting up, in order to knock him down again. *Queries on the whole.*

It was not pretended by *Fitzharris* that the King gave him any Money to frame that, or any other Libel; there was Evidence, that he had got Money of the King for some little matters he was employed in, perhaps for bringing Libels dispersed abroad, or discovering Plots.

Upon the whole Evidence, it was plain that *Fitzharris* was an *Irish* Papist; it was plain he was the only visible Contriver of the Libel; who were behind the Curtain, is not plain, and to know them, was the Design of the Impeachment. *The Prisoner the only visible Contriver of the Libel, but who set him on not discover'd.*

It was plain it was a devilish Jesuitical Design, as the Court and Counsel, in summing up the Evidence, agreed it to be; it was plain, that the Libel was such, that if dispers'd with intention to stir up the King's Subjects against him, it had been High Treason within the Statute of the 13th of the King: but what the Intention of the contriving the Libel was, was not very certain; and therefore, consequently what the Crime of it was, was uncertain. *The Design of the Libel.*

To take the Evidence all the ways, as to the Design of the contriving of the Libel, it is capable of being interpreted, the easiest Construction is to say, he fram'd a Libel with intention to pretend to the King, that he had intercepted a Libel privately dispersed; and to make it more likely, it should be framed in the Nonconformists Names, to make his Report the more credible (for of Papists or Churchmen it could not be believed) to get more Money of the King; and that matter, by all his Questions to the Witnesses, he most drove at; and that would at most be but a Cheat.

A more criminal, but less credible Construction, is to believe he design'd to disperse them, to excite and prevail upon the Discontented to take up Arms. *The Libel tho dispers'd had no effect.*

For what effect had that Pamphlet, when it was, for it was afterwards dispersed, upon the Minds of the People? or what effect could any Man of Sense think it could have? for tho it was a Virulent, yet it was as Foolish a contriv'd Libel as ever was writ; yet I own if it had been writ and dispersed with that Design, it had been High-Treason within the Statute of E. 2.

But the most natural Construction of the worst Design of it, was to trepan the

The Non-conformists to be charg'd with it.

Parliament-men, and make the Libels Evidences of a Rebellious Conspiracy: this *Everard* confesses *Fitzharris* told him was the use to be made of them; and *Everard* could not know the Design of them, but by what *Fitzharris* told him. And *Oates* well explains what *Everard* meant by the words, in his Evidence, put the Libel on the Nonconformists, by what *Everard* told him.

But yet even that, tho in it self the highest Crime a Man can be guilty of, next to putting it in Execution, is but a Conspiracy, which was mildly punish'd in *Lane* and *Knox* their Case, tho this exceeded that; that being a design only against one Person, this against many.

The Libel a Misdemeanor at most.

Yet tho this was of no higher Crime by the Law as now establish'd than a Misdemeanor, it was fit for the Legislative Power to have punish'd it in the manner it was punish'd, which yet the Legislative Power ought to resent as an Injury, for an inferior Court's snatching the Exercise of that Power out of their hands, which only belongs to the Supreme Authority.

The Crime no Treason.

That this Crime, upon Construction of the Evidence taken in the best Sense, is no Treason: tho the Libel should in all probability incite the Subject to levy War, which it was not likely to do, or in Fact it had been the cause of a Rebellion, yet if it was not designed by the Contriver to that purpose, it was not Treason by the Statute of *Edward* the Third, or *Charles* the Second; for in the last Statute it is designing to levy War, and in the Statute of *Edward* the 3d. it is a strained Construction, to make designing to levy War Treason; yet none ever pretended to strain the Sense of that Statute farther than designing to do it.

The ill effects of the Libel made it no Treason.

If the ill Effects the Libel did, or might produce, made it Treason, then Sir *Samuel Astrey*, who read it in Court at the Trial, and the Printer that afterwards printed and publish'd it, and Sir *William Waller*, who read it to Mr. *Hunt* and others, were guilty of Treason; for the Libel carried no Venom or Charm with it the more, for being fram'd by *Fitzharris*, or *Everard*, or for being published by either of them, than if publish'd by another Person.

The difference is, *Astrey* read it aloud, as his Duty; the Printer printed and published it for gain; Sir *William Waller* publish'd it as a Novelty; and if *Fitzharris* contriv'd it to put it upon the Nonconformists or Parliament Men, and not to stir up a Rebellion, tho it tended to all the ill Consequences mention'd in his Indictment, yet it was not Treason.

Query about the Intention of the Prisoner.

But it will be urged, how shall *Fitzharris* his Intention be proved? it was a question which made a mighty sputter in arguing the Plea, How shall it be proved, that the Impeachment was for the same Treason for which the Indictment was? But in the Trial of *Fitzharris*, that question was fully cleared; for it was prov'd there, that the very Libel then produced in Court, was the same Libel read in the House of Commons, upon which the Impeachment was voted.

And to say Truth, nothing can be put in Issue, but is capable of Trial: *Quo animo* a thing is done in all overt Acts of a design, is one of the main questions; or to speak in Law Phrase, whether done *proditorie* or not, an Adverb of great use and sense, tho heretofore slighted; and under which, I believe a great many Persons will be enforc'd to shelter themselves from being punish'd by the Law establish'd.

The Libel hurt no body but the Contriver.

No Man will pretend, that Libel did any Man mischief but the Contriver, nor in probability could have done, if not used to the purpose *Everard* said to *Oates*. Yet other Persons have been guilty of as illegal Acts, of worse Consequences in prospect, and much worse in effect, and it did not amount to Treason. I dare say, the Allegation, that they disturb'd the Kingdom by their Acts, and War caus'd to be mov'd against the King, is true of them, and they are guilty of all the Aggravations us'd in Indictments of Treason.

Illegal Acts of worse consequence charg'd on others.

Several instances of the same.

To instance in some of many, did it not make a mighty heart-burning in the City against the Government, and rais'd great Jealousies between the King and People, when the Sheriffs *North* and *Rich* were impos'd on the City? Did not the taking away the City's right of Electing Sheriffs, and the suspicions for what end it was done, besides the Illegalities that followed? If what Sir *Edward Herbert* says in his late Vindication, fol. 16. be Law, as it hath an Aspect as if it were, that Grand Juries return'd by such as are Sheriffs in Fact, but not in right, are illegal, and Convictions on their Presentments are illegal and void, give great disturbance, and that Opinion seems to be countenanc'd by my Lord *Coke's* 3d Instit. Fol. 32. in his Comment on the 11th of *Henry* the 4th, and consequently my Lord *Russel's* and other Attainders void? Did it not add to the heart-burning, the punishing

nishing those Citizens as Rioters, who were at *Guildhall* innocently contesting their right of Electing? Was it not an increase of the mischief, the bringing the *Quo Warranto* against the City, whereby the Credit of the City was lost, and many Orphans starved, and more impoverished, beyond the possibility of recovery? And it was yet heightened by the Judgment given in the highest Case that ever came into *Westminster-Hall*, by two Judges only, and that without one word of Reason given at the pronouncing, according to the pattern of *Fitzharris* his Case, and was the second mute Judgment? Did it not fright all honest Men from being on Criminal Juries, when *Wilmer* was so illegally prosecuted for not giving a Verdict against his Conscience, by an *homine replegiando* and Information? And did not that make all Merchants, who had Transactions beyond Sea, afraid to send their Servants thither, for fear they might be laid by the heels till they fetch'd them back again? Did it not startle the Lords and the Leading Men of the House of Commons mention'd so often in *Fitzharris* his Trial, when the Earl of *Essex*, Lord *Russel*, Colonel *Sidney*, Mr. *Hamden*, and several others were clapt up close Prisoners in the *Tower*? Did it not deter any honest Man from appearing to witness the Truth, when Sir *Patience Ward* was convicted of Perjury? Did it not provoke two Great and Noble Families, when the Lord *Russel* and Colonel *Sidney* were so illegally and unhandfomly dealt withal, as shall be hereafter declar'd? Did it not provoke all the Nation, except the Clergy and Soldiery, when all the Charters of *England* were seiz'd, and not regranted, but at excessive Rates, to the starving the Poor, who should have been fed with the Mony which went to purchase the new Charters, and reserving the Disposition of all the places of Profit and Power, within the new Corporations, to the King, but which indeed the Confederates shar'd amongst themselves? Nay the very Election of Burgesses, the freeness of which is the great Fundamental of the Government, was monopoliz'd, and put into a few hands. Did not the unreasonable Fines, and cruel Punishments inflicted, oppress many, terrify all, and consequently make the Government odious to the Subject? Did not the Cruelties acted in the *West*, enrage above a third part of the Nation? Did not the turning out many of the Soldiery and Clergy, without any reason; and for that purpose erecting Arbitrary Courts, and granting Dispensations to Persons by Law disabled, to enable them to have and enjoy the Places and Offices of such as were illegally turn'd out, and of all who should be in like manner turn'd out? And was it not seen what the Consequences of those things would be, by all who did not wink their Eyes, or who were not blinded by the Profit they made of such illegal and cruel Acts? Was not the King at last sensible, that the Consequence of what is before recited would be what afterwards happen'd? And did he not in less than a Months time, when too late, throw down all that *Babel* of Confusion which had been so long a building, and did all in his Power, and would have done more if he could, to have set things as right as they were before the Parliament of *Oxon*; for from thence the Extravagances may be dated. But alas! more mischief can be and was done by weak Brains, than the best Wits can retrieve; those that were dead could not be brought to Life; the Restitution of the Cities Charters was but in shew a Relief. How shall all those defend themselves, who have acted under all the illegal Sheriffs, constituted and not elected? How shall those defend themselves, who have acted under Officers appointed by the new Charters, which by the Restitution are gone as if they never had been? How shall Sheriffs, Goalers, and other Officers, who have had, or now have Custody of Prisoners; and having not taken the Test, trust to the validity of a Dispence, behave themselves? Shall they continue to keep their Prisoners in Custody, or let them go? If the last, they are subject to Actions of Escape; if the first, they are liable to false Imprisonment. These and a great many more Mischiefs, not yet seen, are the natural results of these illegal Actions.

All the Nation but the Clergy and Soldiers provok'd by seizing all the Charters.

Other Instances of great Provocation and Oppression.

Nothing profitable but what is honest.

I never reflect on these things, but I remember *Tully* in his Offices lays down as a Rule, that nothing is Profitable but what is Honest, and gives many Reasons for it; but nothing so convincing, as the Examples he brings in publick and private Matters: and tho the Empire was vast, and he bore a great Figure in it, and was very knowing, and was well read in the Greek and Roman Histories, yet he was not able to bring a 100th part of Examples, to prove his Position, as have been in this little Island in the space of eight Years. And the Persons, by whose advice these things were transacted, are the more inexcusable, if it be true what a certain Nobleman (who bore a considerable Character in the two late Kings Council) once said to me was true. He was complaining that the King was misled by

Noble- man's com- plaint of the King's being mis- led by Lawyers. the Advice of his Lawyers. I ask'd him whether the King put his Judges and Counsel upon doing what was done, without considering whether it was Legal; as the common Vogue was, he did; or that his Lawyers first advis'd what to be done, was Law? He answer'd me, on his Honor, the King's Counsel at Law first advis'd the King might do by Law what he would have done, before he commanded them to do it.

Yet I agree, none of those matters, tho so inconvenient and grievous, are Treason by the Statutes of *E. 3.* or *C. 2.*

Fitzharris his Crime less mischievous than that of many others before menti- on'd.

For Profit in some Cases, Revenge in others, the endeavoring means to escape Punishment, and a natural propensity to Cruelty in many, were the true ends driven at, and not the bringing their Prince into the hatred of his Subjects, tho that was a necessary consequent of all recited, and of many more matters omitted: And let *Fitzharris* his Crime, and those recited, be but examin'd, his was but a *Peccadilio* to the least of those; tho this was acted by an *Irish Papist*, and those by *English Protestants*, Sons of the Church of *England* as by Law establish'd, as they call themselves; tho I doubt, not sincere Protestants, as my Lord *Russel* said; words which were matter of Laughter to those who brought him to the Block.

His Crime amounts not to Treason by any Statute.

But, tho neither *Fitzharris* his Crime, taken in the last Sense, nor the above Crimes were High Treason by any Statute; and the Judges have not Power to punish any other Treasons: yet in all times the Parliaments have practis'd, and it is necessarily incident to all Supreme Powers, in all Governments, to enact or declare extravagant Crimes to be greater than by the established Law they are declared to be, not by virtue of the Clause in the Statute of *Edward* the 3^d. whereby some have, by mistake, thought that a Power was reserved to the *Parliament* to declare other matters Treason, than what is therein exprest: for admit that Clause had been omitted, there are none can doubt, but in point of Power, the *Parliament* could (how far in Justice they might, is another Question) have declar'd any other matter to be Treason; and the words of that Clause are very improper Expressions, either to vest or reserve a Power in the *Parliament*, for the words are only prohibitory to the Judges, to adjudg any other Matters Treason, than those exprest in the Act, tho they were somewhat like those exprest'd, and therefore might be suppos'd Treasons; and it is a sort of monition to Offenders, that they should not presume to be guilty of Enormous Crimes, upon presumption that they were not Treasons within that Act. For in the Preamble 'tis said, because many other like Cases of Treason (which in Sense are Cases like Treason declared in that Act) may happen in time to come, which could not be thought of or declar'd at that present; therefore if any such should happen before any Justice, the Justice should tarry, and not proceed to give Judgment of Treason on it, till it should be judg'd in Parliament, Treason or Felony. How well the Judges in late days have observed this prohibitory Law, let the World judg; and most certainly the Parliament might have declar'd in *Fitzharris* his Case, as they may in those other, that the Crimes were Treason, Felony, Misprision of Treason, Trespass, or what other Crime known in the Law, and, inflict what Punishment they thought fit; and it is no injustice for the Supreme Power to punish a Fact in a higher manner than by Law establish'd, if the Fact in its nature is a Crime, and the Circumstances make it much more heinous than ordinarily such Crimes are. It was not injustice in the Parliament of the second and third of *Philip* and *Mary* to enact, that *Smith* and others, who were suppos'd to be guilty as Accessaries to a barbarous Murder, and were equally if not more guilty than the Principal, to enact, as they did, that if they should be found guilty as Accessaries, they should not have their Clergys, which at the time of committing the Fact Accessaries to Murder were allow'd to have. It is true, to declare or enact a Fact, after it is committed, to be a Crime, which when committed was in it self none, such as transporting Wool beyond Sea, and the like, would be high Injustice.

The Clause in the Statute of Ed. 3. consider'd and explain'd.

Remarks

Remarks upon Colledge's Trial.

BUT to return whence I have digrest, *Fitzbarris* being executed according to his Sentence, tho there was great grumbling amongst the Protestants, that those who set him on work were conceal'd and never like to be discover'd now he was dead; yet all was quiet, and the Conspirators, who resolv'd, tho *Fitzbarris* miscarry'd in his Design, yet the Plot should go on, but what it should be, or where the Scene of it should be laid, or who the Plotters should be, they were not well resolv'd.

Many
grumble at
the Execu-
tion of
Fitzbarris.

Great noise of Warrants being issu'd out there was, but at last all center'd in an inconsiderable Fellow, one *Stephen Colledge*, a Joiner by Trade, who for his Honour, as a Prisoner of State, was committed to the Tower for High Treason. At first it was design'd to lay the Scene in *London*, and accordingly a Bill of Indictment of High Treason was exhibited to the Grand Jury (whereof *Wilmer* was Foreman) at the Sessions House: but the Business of *Fitzbarris* was so new, and smelt so rank, that the Bill could not be digested, but was spew'd out with an *Ignoramus*; for which *Wilmer* was afterwards forc'd to fly his Country.

Colledge
sent to the
Tower.

Then it was resolv'd the Scene should be at *Oxford*, and accordingly the King's Counsel, with *Irish* Witnesses, at the Assizes, post thither, and prevail with the Grand Jury to find the Bill; but by what Arts is not known, for he was privately shut up with them: and I should wonder, if he, who frequently in the hearing of those who understood better than himself, had Assurance enough to impose upon the Courts, should scruple in private to impose any thing on an ignorant Jury.

Sent to
Oxford.

I know not how long the Practice in that Matter of admitting Counsel to a Grand Jury hath been; I am sure it is a very unjustifiable and unsufferable one. If the Grand Jury have a Doubt in Point of Law, they ought to have recourse to the Court, and that publickly and not privately, and not rely upon the private Opinion of Counsel, especially of the King's Counsel, who are, or at least behave themselves as if they were Parties.

The Jury
practis'd
upon.

It is true, it is said they are upon their Oaths; and tho it be not exprest in their Oaths, that they should do right between the King and Subjects, yet that is imply'd in the Oath I agree. But have they behav'd themselves as if they were under an Oath? besides, all Men are not capable of giving Advice to be rely'd on in so great a Matter as Life; but the Manner of doing it being in private, can never be justify'd. I know in *Fitzbarris* his Case, the King's Counsel were cajoling the Grand Jury in private for some Hours: but I did not think fit to take notice of it in that Trial, because I think both the Grand and Petty Jury did very well, they acted according to the best of their Understanding, which is all that God or Man requir'd of them; they ask'd pertinent Questions, they were overrul'd in some, not fully answer'd in others: not that I think either of them gave a Verdict according to Law upon the Fact, as it appear'd upon the Evidence; but that was not the Fault of the Jury, but of the King's Counsel, and of the Court who mislead the Jury. I thought it more proper to take notice of it in this Trial, wherein the first Bill was rejected by an understanding Jury; and all Men wonder'd how the second came to be found *Bill a Vera*; and for that reason one of the King's Counsel boasted at Court of his Service and cunning Management in the Matter.

Practising
on the
Grand Ju-
ry unfair.

Grand Jury
finds the
Bill against
Colledge.

The Bill being found, the next Matter was to bring the Prisoner to his Trial: and as he had more Honour than what usually is bestow'd on so mean a Man, to be committed to the Tower, tho in truth it was to keep him from all means of Defence; so to carry the Matter on, he was allow'd to have, by order of the King and Council, a Counsel and Solicitor to come to him, and advise him for his Defence at all Events; a Favour deny'd to *Fitzbarris*, for his Counsel was to advise to the Matter of the Plea only: but that Favour in shew was only to betray him, as shall be shewn. And a third Favour he had, which no Man of his Quality ever had; there were then three of the King's Counsel sent from *London*, and all the Counsel that could be pick'd up upon the spot, which were three more, and no less than four Judges to prosecute and try him; but that was to make sure Work of him.

Allow'd
Counsel.

Three of the
King's
Counsel
sent from
London.

Comes to
son his Trial.

The 17th of August, 1681. he came to his Trial: his Indictment, as to part, was in common Form for Treason, but particularly for designing to seize the King's Per-

Is deny'd a
Copy of the
Indictment
and Jury.
His Papers
taken from
him, and
deny'd to be
restor'd to
him.

Debate a-
bout resto-
ring his Pa-
pers.

Pleads for
his Papers.

Why Coun-
sel is refu-
sed in
Crimes
of Treason.

Judges be-
tray their
poor Client.

Another
reason why
Counsel is
deny'd in
Indict-
ments
not good.

If it be
criminal to
advise the
Prisoner.

son at Oxford, mixt with Words he should say, as, That there was no good to be expected from the King, he minded nothing but Beastliness, and that he endeavour'd to establish Arbitrary Power and Popery. To which being requir'd to plead, he desir'd a Copy of the Indictment, a Copy of the Jury, to know upon what Statute he was indicted, and Counsel to advise him whether he had any thing pleadable in Bar, all which were deny'd him. Then he desir'd he might have his Papers, which were taken from him after he was brought from the Prison, and before he came into Court, at an House over against the Court; for so it seems the King's Counsel had order'd the Matter, that the Goaler *Murrel*, and the Messenger *Sawel*, after they had him out of the Prison, should run him into an House, and take away all his Papers, which they believ'd were the Instructions, as in truth they were, of the Counsel assign'd him when in the Tower, and bring the Papers to them, whereby they would not only disable him of his Defence, but they could be better instructed how to proceed in a way for which he had not provided himself of any Defence.

Murrel and *Sawel* did as the King's Counsel directed them; much wrangle there was whether he should have his Papers or not, all the Court agreed he should not have them till he had pleaded *Guilty* or not *Guilty*; and afterwards he should have the Use of some, and not of others, because they did not appear to be written by himself, but by some Counsel or Solicitor; and, as they said, none is allow'd in Treason, unless assign'd by the Court. The Chief Justice *North* said they were not taken away by him; but says *Colledge*, they were taken away by the Keeper under pretence of bringing them to his Lordship. The Court said they knew not what Papers he meant, and knew nothing of it; he said the Indictment mention'd something of Misdemeanor as well as Treason, but he knew not how to make his Exceptions without his Papers. I have thought fit to mention all these things, because this Trial was the inlet to all that follow'd, and gave Encouragement to spill nobler Blood. The Injustice of the Violence us'd to the Prisoner, must be measur'd from the Reasons given for it, that the Papers were Instructions from Counsel and Solicitors, and none in Law was allow'd in Treason. 'Tis true, no Counsel are allow'd for the Prisoner in a Trial upon an Indictment of any capital Matter; but in an Appeal for capital Matters, Counsel are allow'd even on the Trial. The reason given, that the Indictment is the Suit of the King, and no Counsel or Witness is allowable in a capital Matter against the King, is foolish, as shall be hereafter shown; and as vain is the Reason that the Judges are Counsel for the Prisoner, which they ought to be: but I doubt it will be suspected, that in this Case and many others, they did not make the best of their Clients Case; nay, generally have betray'd their poor Client, to please, as they apprehended, their better Client, the King; for so they say, they are to be Counsel likewise for the King in Indictments, that is to say, they are to be indifferent and upright between both, so certainly they are to be in Appeals; therefore that is not the Reason why no Counsel is allow'd the Prisoner in the Indictment, but the true Reason in probability is, that the Prisoners in Indictments are generally so very poor that they could not be at the Charge of having Counsel, and so Non-usage gave Colour of a Law.

The other Reason my Lord *Coke* gives for it, viz. that much of Truth may be discern'd by the Prisoner's Behaviour, or Answers, which would be conceal'd if he spoke by another, is not satisfactory; for the same is to be said in an Appeal. As to the publick, it is not material whether a Man is prosecuted and punish'd by an Indictment, or an Appeal; and that Appeals are less frequent than Indictments, is only that the first is more chargeable than the last, for tho we hear not of late of any Appeals but in Murder, yet they lie in Robbery, Burglary, Felony, and in all Crimes at Common Law punishable by loss of Life or Member: but tho the Rule in Indictments is, That no Counsel is allow'd, yet it is confin'd to the Trial; no Law, Common or Statute, nor any Usage says, a Prisoner shall not have Counsel to advise him before or after the Trial; and in Murder and all other Crimes, it is always admitted, and why not in Treason?

In Treason, say some, 'tis Criminal for one to advise or sollicite for the Prisoner; and the King's Counsel said, he had known one indicted for being a Solicitor for one in High Treason; and says the Court, it is Criminal for one to be Solicitor or Counsel in Cases of High Treason, unless assign'd by the Court: and whether it be so or not is worth Inquiry.

First, No Law-Book as to this Matter makes any difference between Treason, and other Crimes; and advising and solliciting is spoken of in general terms, which being reduc'd to Particulars, will shew the Absurdity of it.

Suppose

Suppose I observing the Indictment on which the Prisoner was arraign'd, was erroneous, and should therefore advise him to move and quash it for that Error: for, say I, if you should be try'd on this Indictment, and found guilty, unless you move in Arrest of Judgment, you will be attainted, and then you can take no Advantage of that Error; and if you be acquitted you may be indicted again, and try'd again, because the first Indictment was erroneous.

Error in the Indictment justifies the Equity of having Counsel.

If this be Law as none can deny it, is it not lawful to advise him? and is it not fit for the Court to quash the Indictment if faulty, notwithstanding all the Cant of Dilatories, Subterfuges, and defending himself by plain Matter of Fact? Or suppose I advise in Fact that I hear that such a Witness is to come against him, I know he is hired to do the Job, and I will prove it on him if call'd. Or suppose I tell him, I know such a Witness is convict of Perjury, and if he will call me, I will produce the Records of his Conviction; can any Lawyer say these things are Criminal? but if I should advise a Prisoner to escape out of Prison, shewing him the Way of doing it, it is Criminal.

The necessity of Advice proved.

In all Cases comforting a Traitor is Treason, but it is meant where you do it to keep him from Justice; for else feeding a Traitor in Prison is Treason, which none will affirm. So that reducing general Words to particular Facts, clears the Sophistry of them; nor is it Criminal to be a Solicitor in Treason, for where there is no positive Law, as in this case there is not, natural Reason must take place; and better Reason cannot be given than what the Prisoner in this Case gave: If a Man be coop'd up and not suffer'd to go about his Business himself, and no Friend must be employ'd to do it for him, how is it possible for him to make his Defence? I know it is said his Innocency must defend him, but the Folly of that saying shall be shewn in another place. But say they, The Court shall assign him a Counsel and Solicitor; but when, and for what? only for a Point of Law. May not a Prisoner want a Solicitor for a Matter of Fact? Suppose he had occasion for a Witness which he could not readily find, or occasion for a Copy of Record, for want of which Mr. Cornish suffer'd; was it not reasonable for him to have a Solicitor? And when shall the Court assign him a Solicitor? only when the Prisoner comes upon his Trial, and then it is too late to have any use of him; as Colledge was arraign'd at twelve, and try'd at two a Clock the same day, and as was Mr. Cornish's Case. But, say the King's Counsel, they had known one indicted for High Treason for being a Solicitor in such a Case; tho I do not believe it, yet that Authority goes no farther to prove the Matter, than an Indictment I knew against a Person once, for stealing an Acre of Land; and against another for wickedly and devilishly breaking an Award, whereby two unjust Arbitrators directed the Prisoner to convey his Land to a certain Lord, without any Satisfaction or Recompence, prov'd those Matters to be Felonies.

In what cases comforting a Traitor is Treason.

When a Prisoner is to be allow'd a Solicitor.

Colledge arraign'd at 12, and try'd at 2 a Clock the same day.

But tho a Prisoner may be advis'd, yet that Advice must not be reduc'd to writing. Then suppose one Man's Memory be good, and can bear all the Advice given him, and another Man's Memory bad, and cannot do it: Is not the last hang'd for having a bad Memory, rather than for his Crime? But tho it may be reduc'd to writing, yet it must be his own Hand-writing, and not another's; how ridiculous is the Distinction? Suppose the Prisoner cannot write, then is he hang'd for his Parents Fault or Misfortune, for not educating him, or for not being able to educate him better.

The Prisoner is not to be advis'd in writing.

Which is somewhat of kin to the late practice in the West, where many Men were hang'd for having old Jewish Names, as Obadiab, or the like, with a Jest, that their Godfathers hang'd them. But suppose it is not lawful in general to be a Counsel or Solicitor, with, or to a Prisoner committed for High Treason; yet the Prosecution being the King's, he may give a Privilege which the Law of Courts doth not allow, and in this Case it was so done; for, to the Confusion of those who did this Injury, and of those Judges who would not do the Prisoner Right, they have printed the Orders of the King and Council, which appointed Mr. West and Aaron Smith to be his Counsel and Solicitor.

Men hang'd in the West for having old Jewish Names. Smith his Counsel & Solicitor.

If it was lawful for the Prisoner to have Counsel, and to have Advice in Writing; it was very unlawful, and as high a Misdemeanour in the King's Counsel to order his Papers to be taken away, as they were capable of being guilty of, both the Prisoner and the Matters of his Defence being under the Protection of the Court.

Taking away his Papers unjustifiable. Not of antient Use,

It is not an antient practice the seizing of Papers, tho of late us'd; it began, I believe, upon my Lord Coke, whose Papers were seiz'd and carry'd to the Secretaries Office, upon the like pretences as of late, and when return'd, were gelt of many Ccke.

but first practis'd on my Ld. Ch. Justice Ccke.

many Bonds and other Securities, to a great many thousand pounds value, which never came to light. It was afterwards practis'd upon some Members of Parliament, and, as I remember, voted Illegal, as undoubtedly it is: for tho sometimes you may meet with Papers which may be evidence against the Prisoner; yet it is possible that other Papers than the Prisoner's may be mix'd with his to make good an Accusation; nay, which is worse, some of the Papers may be withdrawn, which may be the only Matter of his Defence, and that hath been often practis'd. And I cannot but remember a Story about this Matter: When Sir *William Jones* died, it was said, that one from *Whitehall* offer'd Sir *William Jones* his Servant a great Sum of Mony but to let him search his Master's Study, to find a Paper which would discover great Matters. A certain Person discoursing with a Privy-Counsellor about it, the Privy-Counsellor said, It was not true; for, says he, if we had a mind to have done it, could we not send a Messenger on pretence of searching for treasonable Papers, and bring all the Study to *Whitehall*, and keep what we would of them?

A Report of
Mony offer'd to
have the
searching of
Sir Wil.
Jones his
Study when
he died.

The first
Instance of
a Prisoner's
having his
Papers for
his Defence
taken from
him.

The great
injustice of
it.

A horrid
Conspiracy
to take a-
way his
Life.

Papers
useless to
him after
pleading to
the Indict-
ment.

Treason
and Misdemeanour
ought not to
be join'd in
one Indict-
ment, and
the reason.

But tho that hath been often practis'd, yet this was the first time that ever a Prisoner had the Instructions for his Defence taken away from him; and the manner was worse than the thing, it being done just as he was coming to his Trial, relying upon his Writing, not his Memory for his Defence; besides the Agony so great an Injury put him in, when he had so great a Concern upon him, as the Trial for his Life, and he could not but know by all that Preparation, that it was more than ten to one against him: all which is well seen in his Trial, where he so pathetically and sensibly press'd the Court for Justice in this Matter, which they excus'd with such mean Answers, that all Mankind must see they were satisfy'd of the Injustice, and were resolv'd not to do him Right: They knew not which way he came by the Papers, they knew not but he may be criminal who brought them him; they knew nothing of his Papers, they knew not what Papers he meant; that his Lordship did not take them away, and such like stuff: as if it was not the Duty of the Court to relieve the Prisoner against the Oppression of any Persons but themselves; else why did they not ask *Murrel* and *Samel* who stood by, and were charged with taking them, for the Papers, and have satisfy'd themselves of them? but in truth they knew before what they were. And *Colledge* was a true Prophet, when finding his Life so beset, he said, This was a horrid Conspiracy to take his Life: but it would not stop there, for it was against all the Protestants in *England*. And the Rule the Court made at last was as unjust, That he should have the use of some of his Papers after he had pleaded not Guilty, but not before; for suppose there was Matter in them which could not be made use of after such Plea, as a Plea to the Jurisdiction of the Court, a Pardon, otherwise acquitted, and the like, could not be pleaded, or advantage taken of them after not Guilty pleaded; altho there was not such, yet there might have been such Pleas for ought the Court knew. How unjust then was it for him to plead not Guilty before he should have the use of his Papers? but there was Matter in them for quashing the Indictment; and he hinted so much to the Court, as that the Indictment contain'd Crimes of different nature, as Treason and Misdemeanour, and I think it was good Cause to quash the Indictment.

In all Civil Matters, two Matters of different natures cannot be put into one Action, as Debt and Trespass; two Capital Crimes of different natures cannot be join'd in one Indictment, as Murder and Robbery: and for the same, and another Reason, Treason and Misdemeanour cannot be join'd in one Indictment; for the Jury may observe that one part of the Indictment, which in it self is but Misdemeanour, as that he said, The King minded nothing but beastliness, &c. tho charg'd in the Indictment as Treason, was prov'd, and not the material Parts of the Indictment, as designing to seize the King's Person, &c. and finding some part of the Indictment prov'd, might find him guilty generally, which extends to every Article of the Indictment, and so the Jury deceiv'd, and the Prisoner in danger; or suppose he was acquitted of such an Indictment, if it ought to have been quash'd, whether the Prisoner shew the Error or not, he may be try'd again upon another good Indictment for the same Treason. If therefore what he offer'd was an Error, or but like an Error in the Indictment, by the Law which favours Life, and the jeopardy of Life, the Court ought not to have try'd him on that Indictment, but have directed another Indictment to have been found. It is a vain Objection to have said, that that would have been troublesome. Is the Mischief of that comparable to that of putting a Man twice in jeopardy of his Life for the same thing? but it would have been a delay.

lay. I say none; for there was a Grand Jury in Court, and within the two hours time the Court adjourn'd (to give the King's Counsel opportunity of viewing the Prisoner's Papers which were taken from him, and to consider of the Method of his Prosecution by them, which they did, and alter'd it from what they at first design'd it) the King's Counsel might have had a new Bill found; but peradventure they could not prevail with that Grand Jury to have found a new Bill; they remembered they had ill luck with the first Bill at London, which I believe was the true reason: but I'll do the Court no injury, in supposing that to be the cause of the Adjournment which was not; 'tis true, in the printed Trial 'tis pretended they adjourn'd in order to dine; yet those that knew the Adjournment was by the direction of the King's Counsel, and overheard their whispering with the Chief Justice (which is both an indecent and an unjust thing, and is neither better nor worse than a Plaintiff or Defendant's whispering a Judge while his Case is before him trying) and I know that the Judges had breakfasted but a little before, and had no great stomach to their Dinners, and therefore believe, that that before assign'd, and not what was pretended, was the true Cause. They might better have put off their Dinner to their Supper, than their Supper to their Breakfast, as they did, the Trial lasting till early next Morning.

The King's Counsel have time given them to peruse his Papers.

Their Pretences for adjourning the Court frivolous.

The Pretence of denying the Prisoner any Person to come near him, consider'd.

How the King is the Protector of his People.

How the Highways are his.

Q. Elizab. Character of an Attorney General.

To be for the King & for Truth the same thing.

The King's Counsel ought not to suppress Truth.

But because all Irregularities of Court and Counsel, in all these Matters, are shifted off and excus'd by two Sayings not understood generally; the first whereof is, That the Court is to act for the King, and the Counsel are for the King, and no Person must come near the Prisoner to the prejudice of the King, as in *Fitzharris* his Case was often said; a Witness was permitted to go on in an impertinent story, on a Transaction between him and my Lord *Shaftesbury*, in my Lord *Russel's* Trial, of which the Prisoner complain'd that it was design'd to incense the Jury; and tho the Chief Justice declar'd it was not Evidence, yet a great while afterward he went on in a like manner; nay, the Counsel in summing up the Evidence, repeated the same Matter, which was permitted because it was for the King; and yet when the Earl of *Anglesey* began to say what the Lady *Chaworth* told him, he was snub'd, and cut short; and Mr. *Edward Howard* was serv'd the same sauce, because it was against the King: It is fit therefore to know what is meant in Law by those words. No body doubts what the Courts or King's Counsel of late days meant; but in Law they are not so meant, for tho many things are said to be the King's as the Protector of his People, and more concern'd in their Welfare than any private Persons, yet they are so in Preservation, and not in Property or Interest. The Highways are the King's, in preservation for the passage of his Subjects; and whoever obstructs them wrongs the King, as he is hurt when his Subjects are hurt: but in Property the Soil generally belongs to private Persons. The King is hurt when his Subjects are oppress'd by Force, because he has engag'd to defend them; and therefore the Offender is punish'd by the King, to deter the Offenders and others from committing the same Offences, which is for the benefit of the Publick. But as a Man may be oppress'd by open Force, so he may be oppress'd by private Insinuations and false Accusations, and the King has engag'd to defend his Subjects from such; not that it is possible to prevent them but by Consequence, that is, by punishing such as shall be found guilty of those Crimes, which heretofore were punish'd with the highest arbitrary Punishments we read of: The Consequence is, That it is for the King to punish Offenders, to acquit the false accus'd, and to punish the false Accusers; that is to say, In all Cases to do right according to Law and Truth.

Surely Queen *Elizabeth* gave the best Explanation of the words, when the Lord *Burleigh*, seeing Sir *Edward Coke*, the then Attorney General, coming towards her, he said, *Madam*, here is your Attorney General, *Qui pro domina Regina sequitur*. Nay (says she) I'll have the words alter'd, for it should be, *Qui pro Domina Veritate sequitur*.

For the King and for Truth, then are synonymous words; for the King against the Truth is a contradiction. And the Judges and King's Counsel having taken an Oath to advise the King according to the best of their cunning, which is according to Law and Truth; if therefore the King's Counsel use Means, and the Court permit them so to do, to suppress Truth, or to disable the Prisoner from making his Innocence appear, as in *Colledge* his Case was done; if they urge things as Evidence of the Crime whereof the Prisoner is accus'd, which by Law are not Evidence, as in this Case, in the Lord *Russel's* Case, Col. *Sidney's* Case, Mr. *Hamden's* and Mr. *Cornish's* Case, and in many more they did, an as in some of them shall be hereafter shewn. If they insinuate any Fact as Evidence, which is not prov'd, as in my Lord *Russel's*

Trial, that my Lord of *Essex* kill'd himself; if they wrest as Evidence of the Fact, what in Sense is not so, as in Colonel *Sidney's* Case, the writing his Book (nay, for any thing appear'd, it was writ before King *Charles* the Second came to the Crown) they are Counsel against the King, being against Truth as well as against the Prisoner.

The Prisoner ought to have the liberty to prove his Innocency, as the Prosecutors have to convict him.

I think no Man will deny the truth of this Proposition, That it is as much the King's Interest to have an Innocent accus'd of Treason, acquitted, as it is to have a Nocent accus'd of Treason, convicted. If that be true, then let any one shew me a reason if he can; for there is no Law against it, why he may not have the same Liberty of clearing his Innocence, as the Prosecutor hath of convicting him; I mean by free and private access of all Persons to the Prisoner, as is us'd in all other capital Matters. If it be said he may get some to corrupt the Witnesses against him, or suborn others for him, the same may be said in all other Matters; but in Treason that is not a likely matter, for generally the Prisoner never knows what he is accus'd of, and consequently cannot know his Accuser, nor how to provide a Counter-Evidence, till he comes to be arraign'd, and then it is too late: for generally he is presently tried after his Arraignment, as was the Case of *Colledge*, and my Lord *Russel*, and Mr. *Cornish*; and Persons committed for Treason are so much the less able to corrupt or suborn Witnesses than any other Criminals, that they generally, according to the late practice, have no Accuser brought face to face to them on their commitment as all other Criminals have, who always are committed upon an Accusation made upon Oath in their hearing, and their Defence heard before their *Mittimus* made; and whatever the Pretence may be, yet, in Experience, it is found that more Perjuries are committed in Prosecutions for Treason by the Accusers, than by the Witnesses for the Prisoner.

It is hard to convict a Witness in Treason.

An Instance of one convicted of Perjury in Treason.

One reason is, A Witness in Treason is more difficultly convicted than in any other Crime: for Treason is an *Ignis fatuus*, 'tis here and there, as *Colledge* was first in *London*, then in *Oxford*; it is not confin'd to place or time, as all other Crimes are; in all other Crimes, as Murder, Robbery, or the like, it must be prov'd to be within the County where laid; it must be of the Person named in the Indictment, which are Evidences of Fact, which in some sort prove themselves. And there was but one that I remember (for *Oates* I do not count one) was ever justly convicted of Perjury in Treason, and that too was for want of cunning, for he foolishly swore to Time as well as Place, which a Witness in Mr. *Hamden's* Trial would never be brought to do: Besides, Malice and Revenge, which in Prosecutors and Accusers in Treason are generally the Motives, go farther than Money or Kindness, which if us'd in any Case, are the Motives of false Witnesses for the Prisoner.

Now as for the King and for the Truth are the same, so for the King and for the Law are the same. The Laws are the King's, as he is to see the Execution and Preservation of them; so for the King against the Law is a contradiction.

Colledge try'd on a vicious Indictment.

Therefore to try a Prisoner upon a vicious Indictment, as was done in *Colledge's* and Colonel *Sidney's* Cases, is against the King as it is against Law, for by that means he is in danger to be hang'd if convicted; or try'd twice, if acquitted, which is against Law.

Evidence of Treason, & of Misdemeanor, not distinguished by the Judges.

It is no Salve of the Matter what the Judges said in *Colledge's* Case, that the Evidence of Misdemeanor is no Evidence of Treason; for the same may be said in an Indictment of Murder and Robbery: nor that the Judges would take care to inform the Jury which was Evidence of Treason, which of Misdemeanor, which they promis'd to do, but were not as good as their words, as shall be shewn; for the Court may forget so to do, and the Jury may forget what the Court said to them of that Matter.

Innocency not sufficient to defend one always.

But notwithstanding all this, if the Prisoner was innocent, there could be no harm done to him, for his Innocence would defend him: This was a Saying, and as mortal it was to *Fitzharris*, to *Colledge*, to Colonel *Sidney*, to Mr. *Cornish*, and several others, as was the Letter $\odot$ amongst the *Greeks*. It is true, my Lord *Coke* us'd the Expression, but in another sense than that of late practis'd. I would fain know what they mean by the Expression; Is it, that no Man will or ever did swear falsely against a Prisoner in Treason? If that be true, how came the same Persons to be so violent against *Oates* for what he swore against *Ireland*? Or do they mean, that, let an Accuser swear never so violently and circumstantially against a Prisoner, yet if he be innocent it will do him no harm? If that be true, I would fain know how the Prisoner shall escape; is it that his Innocence shall appear in his Forehead, or shall an Angel come from Heaven and disprove the Accuser? Neither of which we

we have observ'd, tho all have said, and I believe, that some Persons have been very innocently executed. Or shall the Accuser be detected by the bare Questions of the Prisoner? that I think will not be neither; and therefore to instance in the only Person who hath of late escap'd in a Trial of Treason, where there was a Design against his Life, which was my Lord *Delamere*, if he had not had Witnesses to have prov'd the Persons mention'd to have been with him at the place and time sworn against him to be in other places, it was not his denial had serv'd his turn, but he would have run the same Fate with my Lord *Brandon*. Nay, I am apt to think had he been tried by a Jury of Commoners pack'd, as at that time they usually were, he had not escap'd.

The Lord Delamere the only Person that came off in a Trial of Treason of late, and how.

The truth is, when I consider the practice of late times, and the manner of usage of the Prisoners, it is so very much like or rather worse than the practice of the Inquisition, as I have read it, that I sometimes think it was in order to introduce Popery, and make the Inquisition, which is the most terrible thing in that Religion, and which all Nations dread, seem easy in respect of it. I will therefore recount some undeniable Circumstances of the late Practice: A Man is by a Messenger, without any Indictment precedent, which by the Common Law ought to precede, or any Accuser or Accusation that he knows of, clapt up in close Prison, and neither Friend or Relation must come to him; he must have neither Pen, Ink, or Paper, or know of what, or by whom he is accus'd; he must divine all, and provide himself of a Counter-evidence, without knowing what the Evidence is against him. If any Person advise or sollicite for him, unless assign'd by the Court by which he is try'd, they are punishable: He is try'd as soon as he comes into the Court, and therefore of a Solicitor there is no occasion or use; if the Prisoner desires Counsel upon a point of Law, as was done in my Lord *Russel's* Trial, the Counsel nam'd must be ready to argue presently, and the Court deliver their Judgment presently, without any consideration. The Prisoner indeed hath liberty to except to thirty five of the Jury peremptorily, and as many more as he hath cause to except to, but he must not know beforehand who the Jury are; but the King's Counsel must have a Copy of them: He must hear all the Witnesses produc'd to prove him guilty together, without answering each as he comes, for that is breaking in upon the King's Evidence, as it is call'd; tho it hold many hours, as it happen'd in most of the Trials: he must not have any Person to mind him what hath been sworn against him, and forgotten by him to answer; for if that were allow'd, the Prisoner perhaps may escape hanging, and that is against the King: There is a Proclamation to call in all Persons to swear against him, none is permitted to swear for him; all the impertinent Evidence that can be given is permitted against him, none for him; as many Counsel as can be hir'd are allow'd to be against him, none for him. Let any Person consider truly these Circumstances, and it is a wonder how any Person escapes; it is downright tying a man's hands behind him, and baiting him to death, as in truth was practis'd in all these Cases. The Trial of *Ordeal*, of walking between hot Iron Bars blindfold, which was abolish'd for the unreasonableness of it, tho it had its Saying for it too, That God would lead the Blind so as not to be burnt if he were innocent, was a much more advantageous Trial for the Suspected than what of late was practis'd, where it was ten to one that the Accus'd did not escape. If any of these things have been legally practis'd, I have nothing to say against it, but I have never read any thing of Common or Statute-Law for it. And I can with better assurance say than any Person who hath practis'd these things, that no Law in *England* warrants them; and if not, then consider the unreasonableness of these Methods.

The Practice of the late times and that of the Inquisition compar'd.

The unreasonableness of the late Trials in all their Proceedings instanc'd.

Why Ordeal abolish'd?

There is yet one Objection to be answer'd, which being a very great Hardship upon the Prisoner, gives some colour of imposing other Hardships upon him, to wit, That a Witness cannot be examin'd for the Prisoner on his Oath in a Trial upon an Indictment of a capital Matter. It is not because the Matter is Capital, for then no Witness ought to be examin'd upon Oath for the Appellee in a capital Matter: Neither is it because it is against the King, for then no Witness ought to be examin'd on Oath for the Defendant in a Trial upon an Indictment of any criminal Matter; yet in Indictments of all criminal Matters, not capital, 'tis permitted to the Prisoner.

If a Witness can be examin'd upon Oath for the Prisoner in a capital Matter consider'd.

To say truth, never any reason was yet given for it, or I think can be, if you believe my Lord *Coke*, 3d *Instit.* fol. 79. of which Opinion my Lord *Hales* is, in his Pleas of the Crown, that that Practice is not warranted by any *Act of Parliament*, Book Case, or antient Record, and that there is not so much as *scintilla Juris* for it;

The Practice not warranted by Law, and Objections answered.

The discovery of Truth the end of all Trials.

it ; for he says, when the Fault is deny'd, Truth cannot appear without Witnesses. As for what is pretended, that it is swearing against the King, and therefore it is not allow'd of ; 'tis a canting Reason, which put into sensible English, a Man will be asham'd to own. And as slight is the Reason, that it being a matter of so high moment as a Man's Life, the Prisoner will be the more violent and eager, and the Witnesses may be more prevail'd upon to swear falsely, more than they would be in a matter of less moment : The weakness of that Reason hath been in part, and shall be further shewn. I think none will deny, but the end of all Trials in any matters Capital, Criminal, or Civil, is the discovery of Truth : Next, 'tis as necessary for the Prisoner to have Witnesses to prove his Innocence, as it is for the King to have Witnesses to convict him of the Crime ; which Proposition is agreed by the Practice, it being always permitted, that the Prisoner shall produce what Witnesses he can, but they are not to be upon Oath. In the last place, since Truth cannot appear but by the Confession of the Party, or Testimony of Witnesses of both sides, it is necessary to put all the engagement as well on the Witnesses of part of the Prisoner, as of part of the King, to say the Truth, the whole Truth, and nothing but the Truth, as the nature of the Matter will bear : and as yet no better means hath been found out than an Oath ; which if deny'd to the Prisoner's Witnesses, either he is allow'd too great an advantage to acquit himself, or he is not allow'd enough.

If all that his Witnesses say without Oath, shall have equal credit as if they swore it, then he hath too much advantage ; for Men may be found who will say falsely what they will not swear, as is plain enough. How often doth a Defendant say in a *Plea* at Law, that a Deed is not his, which yet in an Answer in *Chancery* he will confess to be his ? If his Witnesses shall not have Credit because not sworn, to what purpose then is it permitted him to produce them ? If they shall have some Credit, but not so much as if sworn, I ask how much Credit shall be given ? Is it two, three or ten Witnesses without Oath shall be equivalent to one upon Oath ? And besides, that Question never was or can be answer'd, what Credit shall be given them ? There is an unreasonable Disadvantage put on the Prisoner, that a Witness produc'd on his part, of equal Credit with the Witness against him, shall not have equal Credit given him, because he is not on his Oath ; whereas he is ready to deliver the same things on his Oath, if the Court would administer it to him : and yet that difference was taken in *Fitzharris's* Case, as to the Credibility of *Everard* and *Oates*, the first being upon his Oath, the last not.

I do not offer this as any Reflection upon the late Proceedings, but as a reason why matters in capital Proceedings ought not to have been carried further than heretofore they were, against the Prisoner, by example of so unreasonable a Practice.

Witnesses for the K. give Evidence in the hearing of each other.

Dugdale's Evidence.

Stevens's Evidence.

J. Smith's Evidence.

Haynes's Evidence.

But to return to the Trial of *Colledge*, which came on in the Afternoon, when the Attorney insisted that the King's Witnesses ought not to be examin'd out of the hearing of each other ; in which he was over-ruled, but the Rule not observ'd, nor was it material : for the King's Counsel having the Prisoner's Writings, and by them observ'd how he intended to make the Witnesses against him contradict themselves, they did not produce such Witnesses, as were not instructed to concur in the Evidence of the same matter, but produc'd only such as were instructed to give Evidence of distinct matters. And therefore *Dugdale* was first produc'd, who gave Evidence of vilifying words spoke of the King at several times at *Oxford* and *London*, by the Prisoner to himself alone ; that he shew'd the Witness several scandalous Libels and Pictures, and said he was the Author of them ; that he had a silk Armour, a brace of Horse Pistols, and a Pocket Pistol and Sword ; that he said, he had several stout men to stand by him, and that he would make use of them for the defence of the Protestant Religion ; he said the King's Party was but an handful to his Party. *Stevens* swore the finding of the Original of the *Raree Show* in the Prisoner's Chambers. *John Smith* swore his speaking scandalous Words of the King, and of his having Armour, and that when he shew'd it the Witness, he said, *These are things that will destroy the pitiful Guards of Rowley* ; that he said, he expected the King would seize some of the Members of Parliament at *Oxford* ; which if done, he would be one should seize the King ; that he said, *Fitzgerald* at *Oxon* had made his Nose bleed, but before long he hop'd to see a great deal more Blood shed for the Cause ; that if any, nay if *Rowley* himself, came to disarm the City, he would be the Death of him. *Haynes* swore he said, Unless the King would let the Parliament sit at *Oxon*, they would seize him, and bring him to the Block ; and that

that he said, the City had one thousand five hundred Barrels of Powder, and one hundred thousand men ready at an hours warning. *Turberville* swore he said at *Oxford*, that he wish'd the King would begin; if he did not, they would begin with him, and seize him; and said, he came to *Oxford* for that purpose. Turbervil's Evidence.

Mr. Masters swore, That in discourse between him and the Prisoner, he justified the Proceedings of the *Parliament* in 1640. at which the Witness wondred, and said, how could he justify that *Parliament* that rais'd the Rebellion, and cut off the King's Head? To which the Prisoner reply'd, That that *Parliament* had done nothing but what they had just Cause for, and that the *Parliament* which sat last at *Westminster* was of the same Opinion; that he call'd the Prisoner Colonel in mockery, who reply'd, Mock not, I may be one in a little time. Masters's Evidence.

Sir William Jennings swore as to the Fighting with *Fitz-Gerald*, and the words about his bleeding.

For the Prisoner.

Hickman said he heard *Haynes* swear *God damn him*, he car'd not what he swore, nor whom he swore against, for it was his Trade to get Mony by swearing. *Mrs. Oliver* said, *Haynes* writ a Letter in her Father's Name, unknown to her Father. *Mrs. Hall* said, she heard *Haynes* own that he was employ'd to put a Plot on the Dissenting Protestants. *Mrs. Richards* said, she heard him say the same thing. *Whaley* said, *Haynes* stole a Silver Tankard from him. *Lun* said, *Haynes* said the *Parliament* were a Company of Rogues for not giving the King Mony, but he would help the King to Mony enough out of the *Pbanaticks* Estates. *Oates* said, *Turberville* said a little before the Witnesses were sworn at the *Old-Baily*, that he was not a Witness against the Prisoner, nor could give any Evidence against him: And after he came from *Oxford*, he said he had been sworn before the Grand Jury against the Prisoner, and said the Protestant Citizens had deserted him, and *God damn him* he would not starve: That *John Smith* said, *God damn him* he would have *Colledge's* Blood: That he heard *Dugdale* say, that he knew nothing against any Protestant in England; and being taxt that he had gone against his Conscience in his Evidence, he said it was long of Colonel *Warcup*, for he could get no Mony else; that he had given out that he had been poison'd, whereas in truth it was a Clap. *Blake* said, that *Smith* told him *Haynes* his Discovery was a sham Plot, a Meal-tub Plot. Hickman's Evidence and others for the Prisoner.

Bolton said, *Smith* would have had him give Evidence against *Sir John Brooks*, that *Sir John* should say there would be cutting of Throats at *Oxford*, and that the *Parliament-men* went provided with four, five, six, or ten Men apiece; and that there was a Consult at *Grantham*, wherein it was resolv'd, that it was better to seize the King than to let him go, whereas he knew of no such thing; that he would have *Bolton* to be a Witness against *Colledge*, and told him what he should say, lest they should disagree in their Evidence; that he heard *Haynes* say he knew nothing of a Popish or Presbyterian Plot, but if he were to be an Evidence, he car'd not what he swore, but would swear any thing to get Mony. *Mowbray* said, *Smith* tempted him to be a Witness against *Colledge*, and was inquisitive to know what discourse passed betwixt him and my Lord *Fairfax*, *Sir John Hewly*, and *Mr. Stern* on the Road; and said, that if the *Parliament* would not give the King Mony, and stood on the Bill of Exclusion, that was Pretence enough to swear a Design to seize the King at *Oxford*.

Everard said, *Smith* told him he knew of no Presbyterian or Protestant Plot, and said, Justice *Warcup* would have persuaded him to swear against some Lords a Presbyterian Plot, but he knew of none; he said, *Haynes* told him it was Necessity and hard Pay drove him to speak any thing against the Protestants; and being question'd, how his Testimony agreed with what he formerly said? answer'd, he would not say much to excuse himself, his Wife was reduc'd to that necessity, that she begg'd at *Rouse's* Door, and mere necessity drove him to it, and self-preservation, for he was brought in Guilty when he was taken up, and was oblig'd to do something to save his Life, and that it was a Judgment upon the King or People; the *Irishmens* swearing against them was justly fall'n on them, for outing the *Irish* of their Estates. Everard's Evidence against Smith and Haynes.

Parkhurst and *Symons* said, they had seen at *Colledge* his House his Arms, about the latter end of November. *Tates* said, *Dugdale* bespoke a Pistol of him for *Colledge*, which he promis'd to give *Colledge*. And upon Discourse sometimes after the *Oxford* Parliament, *Tates* said *Colledge* was a very honest Man, and stood up for the good of Other Evidences for the Prisoner.

of the King and Government. *Yes, said Dugdale, I believe he does, and I know nothing to the contrary.* Deacon and Whitaker said they knew Colledge was bred a Protestant, and went to Church, and never to a Conventicle that they knew of, and thought him an honest Man. Neal, Rimington, Janner and Norris to the same purpose; and Norris, that Smith (in company where was discourse of the Parliament Mens being agreed to go to Oxford) said, he hop'd they would be well provided to go, if they did go. El. Hunt said, a Porter in her Master's absence brought the Prints taken in Colledge's house eight weeks before; and said, *Dugdale* told her, after her Master was in Prison, he did not believe Colledge had any more hand in any Conspiracy against his Majesty than the Child unborn, and he had as lieve have given an hundred pounds he had never spoke what he had, and that he had nothing to say against her Master, which would touch his Life.

Query, whether an upright Jury could bring in such a Verdict.

Many owe their Lives to Colledge's Defence.

The Improbability of the Evidence against him.

Having summed up all the material part of the Evidence in the order it was given, for or against the Prisoner, let us see whether upon the whole, an honest understanding Jury could, with a good Conscience, have given the Verdict the then Jury did; or whether an upright Court could, with a good Conscience, have declar'd they were well satisfied in the Verdict given, as all the four Judges in that Case did, tho the Chief Justice North only spoke the words. And, tho it is too late to advantage the deceased, yet it will do right to the Memory of the Man, to whose dexterous management on his Trial many now alive owe the continuance of their Lives to this Day: it was not their Innocence protected the Lord Fairfax, Sir John Brooks, and many others before mention'd, and many not named in the Trial, but Colledge's baffling that Crew of Witnesses, and so plainly detecting their falshood, that the King's Counsel never durst play them at any other Person but the Earl of Shaftesbury, as shall be shewn; and failing there, they were paid off, and vanisht, and never did more harm visibly; what under-hand Practices [they might be afterwards guilty of, I know not.

Dugdale's Evidence disprov'd.

Col. Warcup a great manager of the Witnesses.

Who could believe any one of those four Witnesses, *Dugdale, Haynes, Turberville, and Smith*, if it were for no other reason than the improbability of the thing; for (as Colledge said) was it probable he should trust things of that nature with Papists, who had broke their Faith with their own Party, who could lay greater Obligations of secrecy upon them than he was able to do? That he, a Protestant, should trust People who had been employed to cut Protestants Throats? And neither of them ever discovered any of the things they swore, till after the Oxford Parliament, tho most of them were pretended to be transacted and spoken before.

Who could believe *Dugdale* in any part of his Evidence against the Prisoner, when *Oates* testified against him, that he said he knew nothing against any Protestant in England? And being taxt by *Oates*, that he had gone against his Conscience in his Evidence against Colledge to the Grand Jury at London, he said, *it was long of Colonel Warcup, for he could get no Mony else*; which was a plain Confession he had sworn wrong, and of the Cause for which he did it, and of the Person who induced him to do it? That he had given out that he was poison'd, whereas his disease was a Clap; which was an ill thing in him, as it imply'd a Charge of poisoning him on other Persons? And when *Elizabeth Hunt* testified against him, that he said, after Colledge was in Prison, that he did not believe Colledge had any more hand in any Conspiracy against the King, than the Child unborn; and that he had as lieve have given an 100 l. he had never spoken what he had, and that he had nothing to say against Colledge which could touch his Life? And when *Tates* testify'd against him, that when *Tates* said Colledge was an honest Man, and stood up for the good of the King and Government; *yes, said Dugdale, I believe he does, and I know nothing to the contrary?*

Haynes his Evidence improbable.

Who could believe *Haynes* in any part of his Evidence against the Prisoner, when Mrs. Hall and Mrs. Richards said, he own'd he was employ'd to put a Plot upon the Dissenting Protestants? when *Whaley* testified against him that he was a Thief, and had stole *Whaley's* Tankard? when *Lun* testify'd that *Haynes* said the Parliament were a Company of Rogues, for not giving the King Mony, but he would help the King to Mony enough out of the *Phanaticks* Estates? when *Hickman* testified against him he heard him say, *God damn him* he car'd not what he swore, nor against whom he swore, for 'twas his Trade to get Mony by swearing? when Mrs. Oliver said that he had writ a Letter in her Father's name, without her Father's knowledg? when *Bolton* testified against him, that he said he knew nothing of a Popish or a Presbyterian Plot, but if he were to be an Evidence, he cared not what

what he swore, but would swear any thing to get Money? when *Everard* testified against him, that he said Necessity and hard Pay drove him to say any thing against the Protestants; and being taxt that his Evidence against *Colledge* agreed not with what he had formerly said, he said, he could not excuse it, but his Poverty and self-Preservation drove him to it? which was a plain Confession of the falshood of his Evidence, and of the reason of it; and added, it was a Judgment upon the King or People, the *Irish* Mens swearing against them, for outing the *Irish* of their Estates: which can have no other sense, than the *Irishmens* forswearing themselves against the *English* was a Judgment, &c.

How could *Turberville* be believed in any part of his Evidence against *Colledge*, when *Oates* testified against him, that he said a little before the Witnesses were sworn against *Colledge* at the *Old-baily*, that he was not a Witness against him, nor could give any Evidence against him: and yet afterwards at *Oxon*, *Turberville* told him he had sworn against *Colledge* to the Grand Jury, and said the Protestant Citizens had deserted him, and *God damn him he would not starve*? which words I think need no explanation.

And lastly, how could *Smith* be believed in any part of his Evidence against the Prisoner, when it was testified against him by *Blake*, that he said *Haynes* his discovery was a Sham-Plot, a Meal-Tub-Plot? The meaning of the words I think are well known. That he would have had *Bolron* swear against Sir *John Brooks*, the Lord *Shaftesbury*, and *Colledge*, things of which he knew nothing, and told him what he should swear, lest they should disagree in their Evidence? When it was testified against him by *Oates*, that he said *God damn him* he would have *Colledge's* Blood? when it was testified against him by *Mowbray*, that he tempted *Mowbray* to be a Witness against *Colledge* and Sir *John Brooks*, and was very inquisitive to know what discourse he had with the Lord *Fairfax*, Sir *John Hewly*, and Mr. *Stern* on the Road to *Oxon*; and said, if the Parliament did not give the King Money, but stood on the Bill of Exclusion, that was pretence enough to swear a design to secure the King at *Oxon*? when *Everard*, and many others testified he said he knew of no Presbyterian or Protestant Plot? Now if *Colledge* his Witnesses were credited, it was impossible the King's Witnesses could be credited, that was agreed by the Court to be true upon the Trial. The answer on the Trial was, that the King's Witnesses were on their Oaths, the Prisoner's were not; which was a Reason but in Words and not in Sense.

And surely what *Colledge* said on that matter, without any knowledg in the Law, cannot be answer'd. *It is not fair dealing*, said he, *with a Man for his Life*, because the Witnesses against him upon their Oaths deny the things the Witnesses for him prove, therefore the Witnesses against him must be believed, and the Witnesses for him disbelieved, when yet the Witnesses for him were ready on their Oaths to maintain what they said for him.

Nor is the Law so: for taking the Law to be, that a Witness for the Prisoner shall not be sworn, which is only made good by practice; the same Law, that is to say Practice, is, that a Witness without Oath for the Prisoner, is of equal Credit with the Witness against him upon Oath, and none can shew the contrary till of late days.

To give one Example of many, where it was necessary for the Prisoner to produce a Witness to prove his Innocency, and where the Witness for him was as much believed as the Witness against him. There was a Person, whose name I do not remember, arraign'd (at the same time that an Indictment of high Treason was endeavor'd to be found against the Lord *Shaftesbury*) for robbing another of Money and of a hired Horse, of which likewise the Person was rob'd; the robbing of the Money and a Horse was prov'd by himself and several others, but that the Prisoner was the Person that committed the Robbery, none positively swore but the Person rob'd, who likewise swore that the Horse on which the Prisoner was taken, was the Horse taken from him; against which the Prisoner prov'd, by the Person of whom the Horse was agreed to be hired, that the Horse the Prisoner was taken upon was not the Horse he let to hire to the Person rob'd: whereupon the Prisoner was acquitted; and yet the Prisoner's Witness was not on his Oath, and the Person robbed was on his Oath: which, besides that it proves the matter for which it is brought, shews the Folly as well as Injustice of the Practice of imprisoning Men without letting them know for what, and without confronting them with the Witnesses against them, upon the Commitment. For how could this Man have known what Witnesses to produce, unless he had known what in particular he was indicted

Turberville disprov'd.

Smith also.

The Prisoner's Witnesses if credited, the King's Witnesses are not.

Colledge's Defence remarkable.

Witnesses without Oath of equal credit with those against him upon Oath. Prov'd by Instances.

indicted for? and how could he have sent to such Witnesses, unless he had had the liberty of sending to the Persons who were to be Witnesses for him? And it shews the Folly of those sayings, that a Man's Innocence must defend him, and that the Evidence against the Prisoner must be as clear as the Sun at noon Day: All will agree that the Prisoner in this Case was innocent, and yet that alone, without producing a Witness to prove his Innocence, would have stood him but in little stead; and how could he have known what sort of Evidence to have ready, unless he knew what he was accus'd of?

Objection
answer'd.

No Evi-
dence and
illegal Evi-
dence the
same.
Less proof
for Treason
than for o-
ther Crimes
is ridiculous
to say.

Great en-
deavors to
set up
Sham-
Plots.

The impro-
bability of
the Priso-
ner's seizing
the King
alone.

When Mad-
men.

The bad u-
sage of the
Prisoner all
along.

I do not mean what Crime he was accus'd of, as Treason, Murder, Robbery, Theft, or any other Crime; but unless he knew the Person robbed, when, where, and other Circumstances: which, say some, is not to be permitted in Prosecutions of High Treason; for if so, then no Man shall be hanged for High Treason, unless there was as strong proof against him, as is requir'd in an Indictment of any other Capital matter; and that, they say, is not to be expected in Treason, for no Man will call two Witnesses to be Evidences of his Words or Actions, being Overt Acts of his Design of High Treason. The Objection is too foolish to be answer'd; for it is neither better nor worse, than that if a Man shall not be hang'd for Treason without Evidence, he shall never be hang'd for Treason; for no Evidence, and Evidence which the Law rejects, is the same in sense, tho different in words; and as the intent of the mind is difficult to prove on the part of the King, so is the Prisoner's part of producing Counter-Evidence much more difficult: and therefore the Law hath taken care by the Statute of *Edward the 3d*, that the Intent shall be prov'd by an Overt Act; and by the Statute of *Edward the 6th*, that that Overt Act shall be proved by two Witnesses. And therefore, since the Law hath taken care that there shall be a stricter proof in High Treason than in any other Crime, for the Judges to say a less proof may be admitted to convict one of High Treason than of any other Crime, is very ridiculous; unless they will at the same time say, that the Parliament who made those Statutes, were Men of little Understanding, and not to be regarded. And certainly it was a good Counter-Evidence, which was given in behalf of the Prisoner by some Witnesses, tho slighted by the Court, and not permitted by the Court to be given by others, that there were great endeavors to set up Sham-Plots, and charge the Protestants with them: For let any one shew me a Reason, why the Evidence of Sham-plots, tho they do not immediately concern the Prisoner, is not as good Evidence for him, as the Evidence of a Real Plot, in which he was not concerned, is against him. The last was permitted to be given in Evidence against my Lord *Russel*, Colonel *Sidney*, and others; tho the first was not permitted to many Witnesses in this Trial, and it was a material Objection which *Colledge* made, *That there was no proof of any Person's being concerned with him in the Design of seizing the King.*

It was an unadvised answer the Court gave, that he alone might be so vain as to design it alone: For if from thence an inference is made, as was insinuated by the Court to the Jury, that therefore he did alone design it, it was an Evidence of his being a Mad-man, not a Traitor. Had the Evidence been of the mischiefing the King by means which a single Person is capable of using, as Stabbing, Shooting, and the like, the matter is not impossible; but it being by means which it was impossible for a single Person to execute, it carries such disbelief with it, that it is impossible to find a Man in his Senses at the same time guilty of it: And a Man that is *non compos mentis*, if my Lords *Coke* and *Hales* are to be believed, cannot be guilty of High Treason within that Branch of the Statute, *Compassing, and imagining, &c.*

It is true, a Mad-man may be guilty of Treason, in attempting the King's Person; but for that he is no more said to be punish'd, than Beasts of Prey are when killed, which are more properly said to be destroyed than punish'd for the publick good. But if so good a Counter-proof in *Colledge's* Case was not made, as ought to have been, some allowances ought to be made for the Prisoner's ignorance of what he was accus'd of, his usage and strict Imprisonment before his Trial, the ruffing him just before his Trial in the manner before declar'd, the depriving him of his Notes, the giving an Evidence of many hours long against him, before he was permitted to answer any part of it. And the use of Pen, Ink, and Paper, was but of little advantage to him; for a Man that hath not been used to do it, cannot take notes of any use. And in truth, he complained he had not taken Notes of half said, but relied on the Court to do him Justice in summing up the Evidences, which they promised to do, but broke their Words.

It must likewise be consider'd, that the concern a Man hath upon him, when he is upon Trial for his Life, is so far from fortifying that it weakens his Memory: Besides,

Besides, the foul Practice, without any remorse, put upon him and his Witnesses ; some of them imprison'd, that he could not have them at the Trial ; others so threaten'd, that they durst not appear for him, and the Cry of the Auditory against him and his Witnesses, were mighty Discouragements. All these things being consider'd, how could any understanding Jury take it on their Oaths, *That the Evidence against the Prisoner, of a Design to seize the King, &c. was as clear as the Sun at noon day ?*

Great Discouragements.

As for the Evidence which Mr. *Masters* gave, if it were true, it was no Evidence of Treason ; an erroneous Opinion may make an Heretick, but not a Traitor : it is a very distant Consequence, that because he affirm'd that the Parliament in 40 had done nothing but what was just in respect of King *Charles* the first, therefore the Prisoner was guilty of a Design against King *Charles* the second : besides that in all probability, tho Mr. *Masters* might inveigh against the Parliament, *Colledge* might only justify them, by throwing the ill things done in that time upon the Papists, as *Colledge* in his Defence says ; and Mr. *Masters*, after much pumping, recollected himself, and said he thought the Prisoner said, the Papists had a Hand in those things ; which prov'd the Truth of *Colledge's* Assertion.

Mr. Masters's Evidence consider'd.

As for the Evidence of *Colledge's* saying he might be a Colonel in time ; if he hop'd for what he said, it was no Crime, or Proof of a Crime, 'tis no more than what every private Soldier hopes for, and he himself had been one.

As for the Evidence of *Atterbury*, *Sawel*, and *Stevens*, of their seizing the Pictures ; admit they swore true, it did not amount to the Proof of the Treason in the Indictment, or of any sort of Treason : And yet if *Colledge's* Maid said true, it looks as if the finders or some other Person sent them to *Colledge's* House, in order to find them there.

Pictures seiz'd.

Of all sorts of Evidence, the finding Papers in a Person's possession is the weakest, because no Person can secure himself against Designs upon him in that kind. And after *Dangerfield's* Design upon Colonel *Mansel*, and the Evidence in *Fitzharris's* Trial, that the Design of that Pamphlet was to convey Copies of it into some Members of Parliaments Pockets, and then seize them, that piece of Evidence ought to have been spar'd, till those and other Practices of like kind had been forgotten.

Finding Papers in ones possession a weak Evidence.

The last Witness was Sir *William Jennings*, of *Colledge's* saying he had lost the first Blood in the Cause, but it would not be long before more would be lost ; what was that more, than that he thought more would be lost in the Cause, which he interpreted the Protestant Cause ? Suppose he thought so without Reason, and was mistaken, where was the Crime ? But if he thought so upon good Reason, and good Reason he had to think so, there was no pretence of a Crime in it. I believe most men thought as *Colledge* did, from the time of the Business of *Fitzharris* ; and what Imputation was it to him ? Why were not all the Expressions he us'd in his Trial as good Evidence against him as that saying ? For he then said, *it was an horrid Conspiracy to take away his Life, and would not stop at him, for it was against all the Protestants of England, and the like ; which was his Opinion, and after times shew'd him a true Prophet.*

Sir Will. Jennings his Evidence consider'd.

One thing was very dishonestly insinuated, that the Prisoner was a Papist, which was only to incense the Jury against him, and it had its Effect ; whereas it was very plain that he was a Protestant, tho perhaps a Dissenter, and therefore had not lately come to the publick Church ; and under that notion the Papists and some Protestants were contented that Dissenters should be punish'd as Papists : yet if they could have prov'd him a Papist, no doubt they would have done it ; for the Destruction of the Man was the Design of the Prosecution, and it matter'd not for what Treason he was convicted, so he was convicted. And he himself gave a pretty sort of Evidence against himself, if they could have prov'd him a Papist : he prov'd, and confess'd, he was educated a Protestant ; and if they could have prov'd him reconcil'd to the Popish Religion, which was Treason, he helpt them a great deal in their Proofs : It was therefore very disingenuous in the Chief Justice to reproach him at his Condemnation, that he had not made that Proof of his Religion as it was expected, when his Religion was not the Matter of which he was indicted ; that was sily insinuated to exasperate, and no Proof pretended to be made of his being a Papist. But he had more Reason to complain of the Injustice of the Court in summing up the Evidence, who did it in such a manner, that if they had been Counsel for the Prisoner, as they pretended, they would have been justly suspected to have taken a Fee of the other side to betray their Client.

The Prisoner no Papist.

The Chief Justice disingenuous to the Prisoner.

The Evidence not fairly summed up.

For, as *Colledge* readily said, if the Chief Justice had looked on his Notes, he would have found more Evidence against *Turberville* and *Dugdale* than he had repeated. And it was a lame excuse for the Chief Justice to say, he refer'd it to the Memory of the Jury, for he could not remember more; whenas I dare say, after about thirteen Hours Evidence, the Jury remember'd no more than that they were to find him Guilty.

The Prisoner's Courage.

12 Days allow'd before his Execution. The Reason why so long reprieved.

His Constancy at his Execution.

The Truth is, upon the whole, what *Colledge* said was true; they took away all helps from him for defending himself, and therefore they had as good have condemn'd him without a Trial. Notwithstanding all which, the Courage of the Man never faint'd, but after he was condemn'd, boldly ask'd when he was to be executed? To which the Lord Chief Justice reply'd, it depended on the King's Pleasure; but smoothly said, in those Cases of High Treason they did not use to precipitate the Execution, it should not be so sudden but that he should have Notice to prepare himself. And in truth he had from the eighteenth, on which he was condemn'd, to prepare himself, to the one and thirtieth of *August* 1681. on which he was executed; a much longer time than was allow'd my Lord *Russel*, or Mr. *Cornish*, and many others. And the true Reason of so long a Reprieve, was to see how the Nation would digest the matter, and whether the Man by the Terror of Death could be prevail'd upon to become a Tool to destroy other Innocents: but when it was found that the People were quiet, and that the Prisoner could not be prevail'd upon to do an ill thing to save his Life, his Execution was order'd; yet, as a shew of Mercy, his Quarters were permitted to be bury'd; a Favour he slighted, with saying that he car'd not whether he was eaten up with Flies or Worms. The same Favour was likewise shew'd *Fitzbarris*, but the true Reason of both was, that they had a mind that the Trials and pretended Crimes, for which *Fitzbarris* and *Colledge* were condemn'd, should be forgotten; which would not be so soon done, if their Quarters were always expos'd to view. But tho' all People were quiet, yet there was great grumbling, and most honest Men were afraid; and the constancy of *Colledge* at his Execution was such, that it made the most violent against him relent.

Remarks on the Earl of Shaftsbury's Grand Jury.

Evidence given against the Earl of Shaftsbury.

Booth's Evidence.

Turberville's.

THE next Person question'd was the Earl of *Shaftsbury*, against whom a Bill of High Treason was prefer'd to the *Grand Jury*, at the Sessions House, on the 24th Day of *November* 1681. The Evidence was publicly given in Court, and was this. Mr. *Blathwaite* swore he found the Papers then produc'd in a Velvet Bag in the great Trunk, which was taken by Mr. *Gwynne* in the Lord *Shaftsbury*'s House. Mr. *Gwynne* swore, all the Papers in the Velvet Bag, when he deliver'd them to Mr. *Blathwaite*, were taken by him in the Lord *Shaftsbury*'s House: Sir *Leoline Jenkins* swore the Paper produc'd was the Paper deliver'd him by Mr. *Blathwaite*, and it was unalter'd. Then the Paper was read, the Effect of which was a Project of an Association sign'd by no Person, and whose Hand-writing it was none knew. *John Booth* swore, that he was engag'd to Captain *Wilkinson*, who pretended to have a Commission from the Lord *Shaftsbury* and several others to go for *Carolina*; he was about that time introduc'd into the Earl's Acquaintance by the Captain, where was a Discourse about *Carolina* Business; he was four or five times between *Christmas* and *March*, with the Earl and the Captain: that the Captain told him he was to command fifty Men to be the Earl's Guard at *Oxon*, and would have had him to be one: That if the King did not consent to several Acts of Parliament and other things, they were to purge the Guards and Court of several Persons; and tho' the Captain told him that first, afterwards he heard the Earl say the same things, particularly about a week or ten days before the Parliament sat at *Oxon*, he gave some Intimation of this to *Walter Banes*, and then writ it down, and sent it to the Counsel sealed in a Cover. *Turberville* swore, that the Lord *Shaftsbury* said about *February*, there

there was but little good to be done with the King as long as his Guards were about him. *Smith* testify'd a great deal of Discourse between him and the Lord *Shaftsbury* of something said reflecting on the King; and that he should say that if the King should offer any Violence to the *Parliament* at *Oxford*, he would meet with a strong Opposition, for that the Gentlemen, who came out of the Country, came well provided with Horse and Arms to oppose, and that they might lawfully do it, if he offer'd any Violence to them whilst they sat. *Haynes* swore, that the Earl *Haynes* said if the King did not give *Haynes* his Pardon, he and others would raise the Kingdom against him; that *Haynes* gave the Earl an exact account of Transactions since King *Charles the First's* coming to the Crown, and that the Earl said the Duke of *Buckingham* had as much Right to the Crown as any *Stuart* in *England*. *John Macnamarra* said, the Earl said, the King was *popishly affected*, and took the same Methods his Father did, which brought his Father's Head to the Block, and they would bring his thither; and this was said in the presence of *Ivey*, and he thought of his Brother; and said, the King deserv'd to be depos'd as much as King *Richard the II.* *Dennis Macnamarra* likewise testify'd the last Words, and that it was the latter end of *March* or beginning of *April*. *Ivey* said, the Earl said, if the King deny'd *Haynes* a Pardon, they would rise upon him and force him to give one, and that they design'd to depose him and set up another in his stead. *Bernard Dennis* said, he had a great deal of Discourse with the Earl, who bid him speak to his Friends in *Ireland* to be in a readiness to assist the Commonwealth of *England*; for they intended to have *England* under a Commonwealth, and extirpate the King and his Family.

Then the Court told the Jury the Indictment was grounded on the Statute of King *Charles the II.* but they ought to consider of that Statute, as also the 25th of *Edward the III.*

The question is, whether the *Grand Jury* ought to have found the Bill on this Evidence. First it ought to be consider'd, what the Duty of a *Grand Jury* is; and I think it is not what the *Chief Justice* said, to consider only whether there be probable ground for the King to call the Person accus'd to an Account, much less do I think that the reason of finding a Bill by the *Grand Jury* was for the Honour of the King, or Decency of the Matter, lest Persons accus'd should be call'd to an Account by the King, where there is no kind of Suspicion of the Crime committed by them, as the Court said (which last Matter was never assign'd as a Reason of finding a Bill by the *Grand Jury* before) but I take the Reason of a *Grand Jury* to be this, that no Man for a capital Matter shall ever be question'd by the King, unless a *Grand Jury* take it on their Oaths that they believe the Matter of the Accusation true; I put an Emphasis on the Words *question'd by the King*.

It is true, it is generally said, that the business of a *Grand Jury*, in capital Matters, is *in favorem vitæ*; but that taken simply is not true, for then what Reason can be assign'd, why a Man shall be arraign'd on an Appeal of Murder, Robbery or the like, which touches his Life, as much as an Indictment of those Crimes, without having the Matter of the Appeal first found to be true by a *Grand Jury*? But the true Reason of a *Grand Jury* is the vast Inequality of the Plaintiff and Defendant, which in an Indictment is always between the King and his Subjects; and that doth not hold in an Appeal, which is always between Subject and Subject: and therefore the Law in an Indictment hath given a Privilege to the Defendant, which it hath done in no other Prosecution, on purpose, if it were possible, to make them equal in the Prosecutions and Defence, that equal Justice may be done between both. It considers the Judges, Witnesses and Jury are more likely to be influenc'd by the King than the Defendant; the Judges as having been made by him, and as it is in his power to turn them out, punish, to prefer or reward them higher; and tho there are not just Causes for them to strain the Law, yet they are such Causes, which in all Ages have taken place, and probably always will. This was the Reason of running Prerogative so high in their Judgment of *High Treason* before the Stat. of *Ed. III.* that no Man, as that Statute says, knew what was not *High Treason*: This was the Reason of expounding that Statute oftentimes between the making of it and the making the Statute of *Q. Mary*, that People were at as great a loss, till the last Statute, as they were before the making of the first; and even since the Statute of *Q. Mary*, the Exposition on the Statute of *Ed. III.* has been so extravagant and various, that People are at this day as much at a loss to know what is not *High Treason*, as they were before the Statute of *Ed. III.* Nor was it, nor is it possible, but that the great Power of enriching, honouring, rewarding and punishing lodg'd in the King, always had, and yet must have influence on the Witnesses and Jury; and

therefore it is that the Law has order'd, that at the King's Prosecution no Man shall be criminally question'd, unless a *Grand Jury*, upon their own Knowledg, or upon the Evidence given them, shall give a Verdict, that they really believe the Accusation is true.

Duty of a
Grand Jury
of late.

I own of late days, they have said the Duty of the *Grand Jury* is to find, whether the Accusation be probable or no. But that saying is warranted by no positive Law, or antient Authority; and therefore the Duty of the *Grand Jury* must be founded in the Oath administer'd to them, which is as strict as the Oath administer'd to the *Petit Jury*: and to say Truth, the Verdict of the *Petit Jury* takes credit from the Verdict of the *Grand Jury*; which is not only the Reason of the difference in the Names of the two Juries, but is likewise the Reason why an Attaint for a false Verdict doth not lie against a *Petit Jury*.

The Grand
Jury's
Oath.

The Oath of the *Grand Jury* is, *To present the Truth, the whole Truth, and nothing but the Truth*: The Oath of the *Petit Jury* is, *well and truly to try, and true Deliverance make, between the King and the Prisoner at the Bar, &c.* which signifies the same thing as to present the Truth, &c. It is true, some Reasons have been offer'd, which if consider'd, are Words without Sense; as that the Presentment of the *Grand Jury* is but in order to bring the Prisoner to his Trial, and he is not before the *Grand Jury* to make his Defence himself: but that can be no Reason why Probabilities should satisfy the Jury, because it doth not answer the Design of the Law, which will have a Man convicted by the positive Oaths of two Juries, consisting of more than twenty four, in all Indictments.

Queries a-
bout the
Grand and
Petit Jury.

Next, why is a *Grand Jury* compos'd of more substantial and understanding Men than a *Petit Jury*, if their business be mere Formality, or a Matter of less weight than the business of a *Petit Jury*? In the last place, why is less Evidence requir'd to convict a Man in his absence than is requir'd to convict him if present? It is so far from an Argument, that less Evidence is requir'd to convict one if absent than if present, that it seems to me that more Evidence should be requir'd to do it. Men may, and often do make very fair Stories in the absence of a Person accus'd, that when present, he easily answers; and there being no positive Law for the Direction of a *Grand Jury* in that Matter, a *Grand Jurymen* is excusable, nay it is his Duty to give a Verdict according to the plain understanding of the Words of his Oath, which is to present the Truth, as far as he is convict of it; and that Truth must be found according to his Knowledg, or as it is represented to him by Witnesses.

Witnesses
to be Per-
sons of
Credit.

And as for the Witnesses, they must be Persons of Credit; and all Persons are suppos'd to be so, unless the *Grand Jury* know the contrary, or have been so credibly inform'd. 'Tis true, a *Grand Jury* ought not to believe *Coffee-house* Stories, or light Stories; but common Fame by credible Persons, which is *vox Populi*, ought to prejudice them against a Witness, so as to disbelieve him: and it is no Answer to say, as the *Chief Justice* in this Case said, that the Credibility of the Witness is not to be consider'd by the *Grand Jury*, because the King is not present to defend the Credit of his Witness; tho the Fact in that Case was not true, for the King's Attorney, Solicitor and Counsel were present, and I think the King is no otherwise present at any Criminal Prosecution; and the Jury knew by *Colledge's* Trial and by *Wilkinson's* Depositions before the King, that the Evidence of all the Witnesses produc'd except what were to the Paper was question'd, but even that was afterwards quitted by the Court when it would not be swallow'd by the *Grand Jury*; for afterwards the Court told them that if they, of their own Knowledg, knew any thing against the Witnesses, they might consider of it, but not of what they were credibly inform'd by others: and besides the Credibility of the Witnesses, the Possibility or Probability of the thing sworn is to be consider'd by the *Grand Jury*; an impossible thing they ought not to believe, tho sworn by never so many credible Witnesses, and a very improbable thing they cannot positively on their Oaths swear they believe.

How the
King is
said to be
present.

Credibility
of Witnes-
ses.

How the
Grand Jury
is to pro-
ceed as to
Fact and
Law.

And not only the Fact, but what the Crime of the Fact alledg'd in the Bill of Indictment, the *Grand Jury* as far as they are capable of judging Matter of Law, ought to consider; so they were told in the Charge given them. 'Tis true, if they were ignorant in the Law, and the Court in their directions misled them, as if the Court should tell them stealing a Horse is High Treason, and the *Grand Jury* find it accordingly, it is excusable in the *Grand Jury*, tho punishable in the Court. But wrong Directions by the Court in finding a Fact where there is no Evidence, do not excuse the Jury.

Now to examine the Matter in hand by these Rules, could any Person who knew my Lord *Shaftsbury*, or that had heard of, or believ'd his Character to be what it was,

was, believe that it was possible for him to discourse with the Witnesses at the rate they swore, to some of them at the first, to others of them the second time he saw them; to discourse of Matters of Policy, with *Booth* at one time, and afterwards with *Haynes*, and afterwards with *Macnamarra*, Fellows of so little Sense, that he would have been ashamed to have entertain'd them in the meanest Office about him; and yet as they pretended, he makes them his Privadoes in the Secret, of not so much what he would have had them, but of what he intended himself to do?

Improbability of the Evidence.

Who could believe any thing, *Turberville*, *Smith* or *Haynes* should say, where there was so much of their Falshood and of their Designs to swear falsely, prov'd against them in *Colledge's* Trial? or of *Ivey* and the three *Macnamarras* after that Trial, who tho they were not produc'd at it, because the King's Counsel by *Colledge's* Notes saw he was able to falsify them, yet some Witnesses in that Trial prov'd their Design of swearing falsely?

The Witnesses disprov'd.

Who could believe *Booth's* story of lifting so many Men under *Wilkinson*, to be at my Lord *Shaftsbury's* dispose at *Oxon*, after *Colledge's* Trial, and after what *Wilkinson* had testified to the King and Council, tho not then prov'd to the Grand Jury?

A Judge indeed cannot take notice of any thing not prov'd (tho he may and ought to be a Witness, if he knew any thing material of the Matter try'd before him and others) but a Grand Jury may take notice of any thing they know or believe. The Passages at *Colledge's* Trial were pretty notorious, being authentically publish'd by *Fra. North*, and the Examination of *Wilkinson* by as authentick a Paper.

The Judges Duty.

It was unaccountable, that the Witnesses conceal'd what they heard the Earl speak so long, of which none of them pretended to give any Reason; nor was it any excuse to those who sign'd a Petition to the City, in which they suggested they were tempted to swear against their Consciences, to say they knew not what was in the Petition: he that sets his hand to a thing as if he assented to it, but doth not, is a Man of Falshood. Suppose one sets his hand to a Bond, said to be seal'd and deliver'd, not having seen it seal'd and deliver'd, is not he guilty of little less than Forgery? But admitting those Witnesses had sworn Truth, yet the Jury ought not to have found the Bill; for they ought to find the Bill true according to all the material Circumstances of it, as well as the Substance of it, which was High Treason: One material Circumstance of it was, that it was said to be High Treason within the Statute of *Charles II.* And that made another Circumstance of the Indictment material, which was the time when that Treason was committed; because by that Statute the Prosecutions of Treason on that Statute ought to be within six Months after it is committed, and the Indictment ought to be within three months after the Prosecution: and he being imprison'd in July, and the Bill suggesting that the supposed Treason was committed the 18th of March before, and divers other times both before and after, which might be interpreted to have been after the Prisoner's Commitment; had the Jury found the Bill as laid, they had found the Treason to have been committed, not only within the time the Prosecution by that Statute ought to be, but also within the time the Indictment ought to have been preferred; whereas in truth, the Earl had been imprison'd above three months before the Indictment preferred, and there was no Evidence of any Treason committed by him after his Imprisonment: and therefore the finding the Bill as laid had been injurious, to bring a Man in question for his Life on that Statute, whereas by Law he ought not to have been.

More Improbability in the Evidence.

The Grand Jury ought not to have found the Bill on the Statute of K.Ch.II.

For it was resolv'd in *Colledge's* Case, that the Prosecution for Treason on that Statute ought to be within six Months, and the Indictment within three Months, tho the Court was of another Opinion in the Lord *Russel's* Trial.

And that this Indictment was on that Statute, was expressly said to the Grand Jury, and upon good Reason; for the Court in their Charge said, that the Intention of levying War, or designing to imprison the King, was not Treason, till the Statute of *Charles the Second*; tho in the Lord *Russel's* Trial it was held to be Treason by the Statute of *Ed. 3.* and therefore the Time of the Treason committed was material to be found by the Jury.

The Intention of levying War, &c. made Treason in K.Ch.II's time.

As for the Writing found in the Earl's Study, it was no manner of Evidence of Treason, admitting what the Witnesses swore as to the finding it to be true; because it was not prov'd that it was prosecuted or compos'd by the Earl of *Shaftsbury*, or by his Order, and that piece of Evidence was in that Particular a mere Original.

The Paper found, no Evidence.

In *Fitzbarris* his Case, it was prov'd the Libel was compos'd by his direction; Colonel *Sidney's* Book was prov'd to be like his Hand; it was pretended that *Colledge* said

said he was the Author of the *Raree-show*, and no Example of this Evidence was ever made use of before.

No Treason
in the Pa-
per.

Neither was it Evidence of Treason as to the Matter, for there was not one word against the present King, but his Successor, if he should be such a Person.

No mention
of destroy-
ing the
Guards in
the Paper.

It is true, one of the King's Counsel said that one Passage in it was, that they would join to destroy the Mercenary Forces about *London*, and thence inferr'd it was down-right levying War against the King and his Guards; whereas there is not any such word or thing in the Paper as he pretended to cite: and if it had been in the Paper, it would have been but Evidence of a Treason within the Statute of the late King. And then the time of writing it, ought to have appear'd; and if that had been clear'd, yet for the above Reasons it was no Evidence; and the *Grand Jury*, tho some of them afterwards smarted for it upon other Pretences, did like honest understanding Gentlemen; and had they done otherwise, to avoid the Ignominy of being call'd, tho in truth it was an honour to be, an *Ignoramus Jury*, they had justly deserv'd the Reproach which since have lighted on other Juries, such as Mr. *Cornish's*, and the like. And having spoken of this *Ignoramus Jury*, for which two of them, if not more, were afterwards upon other Pretences severely handled; I think fit to say something of the Sufferings of one, for being in a preceding *Ignoramus Jury*, because it was a mere Novelty, and that was Mr. *Wilmer*.

Ignoramus
Jury.

Remarks on Mr. Wilmer's

Homine Replegiando.

Wilmer's
Case.

HIS Prosecution, tho it was but Criminal and not Capital, did as much Mischief, as it struck a Terror into all *Grand Juries*, as any the before-mention'd Matters; and it was by the *Homine Replegiando* issued out against him. As for the Information against him I shall say nothing, because the Injustice of both will appear in the Discourse of the first. Mr. *Wilmer* had sent a Boy beyond Sea by agreement, as Mr. *Wilmer* said, whether true or not as to this Matter is not material; a *Homine Replegiando* is granted against Mr. *Wilmer* for this, at whose Prosecution is not material: for any Person upon suggestion, back'd by an *Affidavit*, may have it granted. The *Sheriff* would have return'd on the Writ, that the Boy was sent by his own Agreement and Consent with Mr. *Wilmer*; which return was not allow'd, and the *Sheriffs* were told that they must either return they had replevied the Boy, and they must have him in Court, or else they would be laid by the heels; or else they must return that Mr. *Wilmer* had *Esloigned* him, which is carrying him away, where the *Sheriff* could not find him; and then a *Witbernarn* would issue against Mr. *Wilmer*, upon which he would be taken and kept in Prison till he produc'd the Boy: and no other Return should be allow'd than one of those two, and if they did not make one of those two Returns, they should be committed. Now if the Law be so the Court were innocent, but the Law ought then to be reform'd in that Particular; but if the Law was not so, as I think it is not, I think Mr. *Wilmer* and the Nation had great Injustice done them; for it was quickly seen what the mischief of that Judgment was, and therefore it was endeavour'd to be reform'd by an Act of King and Council afterwards: First, I say, it is lawful for a Master to covenant with a Servant to serve him beyond Sea; in the next place it is lawful for a Master to send his Servant beyond Sea according to such Agreement. And if both these Propositions be true, as I think no Man will say they are not, it is a natural Consequence to say, that the Law hath provided a Return upon a Writ of *Homine Replegiando*, if it should be sued out against such Master for a Servant so sent beyond Sea, which may indemnify the Master in so doing; and that Return can be no other than the special Matter, which in this Case was refused to be accepted. 'Tis no Argument that no such Return is ever read of in any Book: For the Law hath deter-

min'd,

Sheriffs ne-
cessitated to
make one of
2 Returns.

The Mis-
chief of
that Judg-
ment.

Reform'd
afterward
by the King
and Council.

min'd, that some Returns are good and others bad; yet it hath not said what are all the good Returns which may be made on an *Homine Replegiando*, and the Sheriff is no more confin'd to Returns than a Man in the pleading of his Case, which my Lord Coke says may vary according to the nature of his Case; and yet the Law hath said what is a good Plea, and what a bad one, but hath not exprest all the good or bad Pleas. And therefore it is no Argument against such a Return, that no Precedent of it can be found, 'tis enough that no Judgment can be produc'd against it; and the reason of both may be, that the Case never happen'd before, that is to say, that never any Person was so malicious before, as to sue out an *Homine Replegiando* against a Master for a Servant sent by Agreement beyond Sea: and Returns must be vary'd according to the Case. Perhaps no Precedent can be found of a Return on that Writ, that the Person sought for is dead; yet all Persons will agree it is a good Return, it is so in Replevin of Cattel, and even that Example falsifies the Doctrine of the Court, that there are but two Returns on that Writ allowable by Law. It is not an Argument for disallowing the Return, that the Person sent beyond Sea was a Child not capable of making such a Contract (tho I believe if the Matter were look'd into, he was of Age so to do) for nothing of that doth, or can appear in the Writ or Return: It stands therefore simply upon this, whether the Sheriff may on an *Homine Replegiando* return, that the Person suppos'd to be in custody, being of full Age, was by mutual Agreement sent beyond Sea by the Person in whose custody by the Writ he is suppos'd to be, which I think is far from a doubt. But notwithstanding all these hardships on *Juries*, it was seen to be plainly impossible to procure any Bills of Indictment for *High Treason*, much less any Persons to be convicted on the like Evidence except in *London*, where are some of the best as well as the worst Men in the Nation; and even there it was not to be done as long as the *Juries* were sensible and honest Men, which would be as long as the Election of Sheriffs was in the Citizens; and to the honour of the City, it was seen that they chose only honest Men to be their Sheriffs, and that when they saw the Publick Safety depend on honest Officers, tho at other times they had rather pay a Fine, than undergo the trouble and charges of that Office, yet at that time no Man legally chosen refus'd to stand, tho they were reproach'd and punish'd for it; and if Mr. *Box* refus'd, it was because he would not join with *North* who was impos'd on the City, for which reason it was resolv'd to take from the City the Right of chusing Sheriffs, but by what means it was not presently resolv'd on.

No Precedent of such Returns.

The Case of the Sheriff stated.

The City always chose honest Men for Sheriffs.

That the City might forfeit their right of Electing, there was no great doubt; as if the Sheriffs were dead and new ones were not chosen in a convenient time, so that there was a defect of Justice or the like: but nothing of that kind could be laid to their charge, and therefore a new unheard of Matter was thought on and set a-foot, which was to make the City forfeit their being a Corporation, and being annihilated, the Grants made to them by the Crown, as the Right of Electing Sheriffs was, would revert to the Crown again.

How the City could forfeit their electing of Sheriffs.

A *Quo Warranto* was therefore brought against the City in *Hilary Term* 1681. to shew by what Warrant they pretended to be a Corporation, and to have the Privileges mention'd in the Writ, to which the City pleaded and set forth their Right; and the King reply'd, and set forth several Matters done by them, contrary to the Duty of a Corporation: upon which there was a *Demurrer*, of which Judgment was not given till *Trinity Term* 1683. I will say nothing of the Right of the Proceeding, it having been largely and learnedly argu'd for the City; but if the Matter were so clear a Case, as the King's Counsel and Court would have it to be, how came it to pass that in *Henry the Eighth's* Time, when the King was so earnestly bent to dissolve the Religious Corporations, in which the publick Inclination join'd with him, the doing it by *Quo Warranto* was not thought of? It was very plain, that those pretended Religious did not observe the Rules, nor perform the Ends for which they were incorporated; and certainly their Misdemeanours against the intent of their being incorporated were better Causes of Forfeiture than was the City's petitioning for a Parliament, &c. Yet that King took other Methods, he had formal Conveyances of their Lands from most of those Corporations, and formal Surrenders of their Corporations sign'd by every Individual of the Corporations, and those afterwards confirm'd by Act of Parliament. And sure the late King had as much Right to bring a *Quo Warranto* against *Maudlin College* for refusing, contrary to their Duty, to admit the President the King nominated, if the King had a Right to nominate the President (as some Judges asserted he had) as King *Charles* the

Quo Warranto brought against the City.

Hen VIII. us'd no Quo Warranto's to dissolve the Religious Houses.

Maudlin College as liable to a Quo Warranto as the City.

Judgment
given a-
gainst the
City by 2
Judges
only.

Judg Wi-
thens deli-
vers the O-
pinion of
other
Judges
contrary to
Truth.

North and
Rich im-
pos'd as
Sheriffs by
Force and
Trick on
the City.

The Plot
and Judg-
ment a-
gainst the
City about
the same
time.

the Second had against the City: and it was once in debate, whether the Proceeding against that College should be by *Quo Warranto*, or before the *Ecclesiastical Commissioners*; the last was resolv'd on, not as more legal or effectual, but as more expeditious, in the one the Proceedings being *de die in diem*, in the other from Term to Term. This only I will observe, that when the Judgment against the City was given, which was of the greatest Concern to the Nation ever contested in any Court of *Westminster Hall*, it was done by two Judges only, and no reason of that Judgment rendred, whereof *Wythens*, who was one, I think, heard but one Argument in the Case. It is true they said *Raymond*, when alive, was of the same Opinion, and said *Saunders* who was then past his Senses was of the same Opinion, tho I was told by one who was present, when the two Justices came to ask his Opinion in the Matter, he had only Sense enough to reproach them for troubling him about the Matter, when they were sensible he had lost his Memory. And to say truth, the delivering the Sense of an absent Judg, tho it hath been sometimes practis'd, is not allowable; for sometimes they deliver another Opinion than what the absent Judg is of. Judg *Wythens* did so in several Cases, when he deliver'd the Opinion of Sir *Edward Herbert*, which Sir *Edward Herbert* afterwards in open Court disown'd: Judg *Holloway* serv'd Judg *Powel* the same Trick, if the last said true. The long depending of the *Quo Warranto* had alarm'd all the Nation, who yet were quiet, hoping that Judgment would be given for the City, as some of the Judges and of the King's Counsel had given out it would; but the contrary was resolv'd on, and therefore the Nation at the time of the giving the Judgment must be amus'd with somewhat else, and nothing so proper as a Plot: but there was difficulty in that also, for if the pretended Plotters should be acquitted it would make the Matter worse; and nothing would secure that, but imposing what Sheriffs they pleas'd on the City, and accordingly *North* and *Rich* being pitch'd on, the one by a shameless Trick, and the other by open Force, were impos'd on the City.

Having gain'd that Point, the Proceedings in the *Quo Warranto* were much quicker than before, and two Arguments were only permitted in it of each side, the one in *Hilary* Term, the other in *Easter* Term; and so the Case was ripe for Judgment in *Trinity* Term following, but must be, and was usher'd in with the discovery of a pretended Plot, which so amaz'd the Nation, that tho Judgment in the *Quo Warranto* was given two days after the pretended discovery, no body took any notice of it for several Months after it was given. The truth was, no body durst mutter against it, or question the legality of it; it was enough to have brought any Person into the Plot to have done it, it would have been call'd flying in the Face of the Government, questioning the Justice of the Nation, and such like Cant.

Remarks

Remarks on the Lord Russel's Trial.

THE Plot being nois'd abroad, the Persons before-hand resolv'd on were seiz'd on, and the Lord *Russel* and others were clapt up close Prisoners.

The Lord *Russel* having been for some few Weeks a close Prisoner in the Tower, was the 13th of July, 1683. brought to the *Old-Baily*, and arraign'd for High-Treason, in designing to raise a Rebellion, &c. and the same Morning was try'd. He desir'd he might not be try'd that day, for he had some Witnesses which would not be in Town till Night: Which being deny'd, then he desir'd that the Trial might be put off till the Afternoon; which was likewise deny'd. He ask'd whether he might not make use of any Papers he had? which was allow'd. He desir'd he might have a Copy of the Pannel of the Jury that was to pass on him; he was told he had a Copy deliver'd to his Servant some days before.

The Jury being call'd, he challeng'd the Foreman for being no Freeholder in London. To argue which, Counsel were assign'd him; who presently came into the Court, and having excus'd their not speaking more to the Matter for want of time to consider of it, argu'd, That it was a good Challenge, because at Common Law every Juryman ought to be a Freeholder; that the Statute of 2 Hen. 5. provides none shall be a Juryman in capital Matters, but a Freeholder of forty Shillings yearly: That there is no difference between a City and County, and a County at large at Common Law, nor by that Statute 7 Hen. 7. which takes away the Challenge of no Freehold in the Ward in London, and shews it was a good Challenge in London before that time: the 4th Hen. 8. which likewise takes away the Challenge of no Freehold in London, shews it was a good Challenge before that time, and the same was inferred from the 23d of Henry the Eighth: But tho none of those Statutes extended to Treason, yet if it was a good Challenge in Treason in London before those Statutes, it was so still.

The King's Counsel said, at Common Law it was not necessary that a Juryman in Treason should be a Freeholder; and tho Treason is within the 2d of Henry the 5th, yet by the Statute of Queen Mary, the Statute of the 2d of Henry the Fifth, as to Treason, was repeal'd; that it was a Point they would not have lost to the City of London; that if the Prisoner should peremptorily challenge thirty five, as by Law he might, there would scarce be found thirty five more Freeholders in the City, the Inheritance of the City being mostly in the Nobility and Corporations, and consequently Treasons may be committed in the City, and there would not be enough to try it; and in the Case of the City of Worcester, in a *Quo Warranto* brought against them, that Challenge was taken and over-rul'd by the Kings-Bench, by Advice of the Judges of the Common-Pleas; that the *Venire* mentions no Freehold, but only *Probos & Legales Homines de Vicineto*.

Then the Chief Justice ask'd Mr. *Pollexfen*, Whether he did find in any Judgment in Treason at Common Law, that no Freehold was a Challenge? who answer'd, He did not: Whereupon the Chief Justice reply'd, that then he did not speak *ad idem*; for he took it in case of Treason and Felony, at Common Law it was no Challenge; and the Statute of Henry the Fifth in that Point was introductive of a new Law, and that Statute as to Treason was repeal'd by that of Queen Mary; and that a Case cannot be found of such a Challenge in Treason since the Statute of Queen Mary, but it was a business of great Importance.

The Chief Baron was of the same Opinion; for the same reason Justice *Windham* and Justice *Jones* were of the same Opinion; the last added, the rather because the Prisoner is allow'd to challenge thirty five peremptorily: and Justice *Charlton* was of the same Opinion. and the rather, because no Precedent had been offer'd of such a Challenge before: Justice *Levins* was of the same Opinion, for the same Reasons: Justice *Street* was of the same Opinion, for the same Reasons, and thought they had been very nice when the Life of the King lay at stake, and all the Customs and Privileges of the City of London seem'd to be level'd at in that Point: Justice *Withins* was of the same Opinion.

Then the Chief Justice told the Prisoner, the Court over-rul'd his Challenge; but that he had no hardship put upon him, for the Reason of Law for Freeholders was, that

that no slight Persons should be put upon the Jury, but in his Case there were Persons of Quality and Substance put upon the Jury, which was the same in substance with a Jury of Freeholders.

Their Reasons.

These being the Reasons of over-ruling that Challenge, they may be ranked under these Heads. There was no such Challenge at Common Law; if there were, yet not in Treason. And if it were a Challenge in Treason, where the Trial is in a County at large, yet not where it is in a City and County; and if in a City and County, yet not in London.

Several reasons for the same Opinion suspicious.

The assigning many Reasons for one and the same thing, makes the Judgment justly suspected: for if when two Witnesses to one Fact varying in the Circumstances of it, are justly suspected in point of Truth, several Reasons for the same Judgment make the Knowledge or Integrity of the Judges justly suspected; every Case in Law, as my Lords Coke and Hale say, standing upon its own particular Reason: and therefore when many Reasons are given, it looks as if the Judges were hunting about for Reasons to make good what beforehand they are resolv'd to vent for Law, rather than that their Judgment is the Result of those Reasons.

The Judges Reasons examin'd.

But to consider them singly, I do indeed think there is no express Resolution, that at Common Law, in any Case of any capital Matter, it was a good Challenge (except the Case of *Fitzharris*, already taken notice of) but in civil matters my Lord Coke is express, that at Common Law it was a good Challenge; and with him Sir John Fortescue seems to concur, who in his Exposition on the Statute of Henry the 5th says, if the Debts or Damages be under forty Marks, the Jurymen shall have Land to a competent Value, according to the Discretion of the Justices. My Lord Coke saith, in such Case any Freehold sufficeth; now how can that be true, if it were not necessary at Common Law to have some Freehold? for the Statute makes no Provision for Debt or Damages under forty Marks. It must therefore be by Common Law, that some Freehold was necessary, and that any Freehold shall suffice. And surely, if in civil Matters it was necessary for a Juror to have a Freehold, much more in capital Matters, and mostly in Treason. It is very plain, that at Common Law no Man was thought to be a sufficient Man but a Freeholder; and tho now, and for some time past, the Value of Trade is equal to that of Land, yet heretofore it was not so, and by what was heretofore, the Common Law is to be known.

Whether Trade makes a Freehold.

The matter of Trade was heretofore so inconsiderable, and the Traders themselves for that reason so vile, that it was a Disparagement for a Freeholder to marry with a Tradesman, as is to be seen by the Statute of *Wharton*: and therefore mere Tradesmen, and not Freeholders, were not to be trusted with the concern of a Trial in a civil Matter, and much less in a capital, and least of all in a Trial of High-Treason.

The unreasonableness of a Juror not being a Freeholder.

The Chief Justice *Pemberton* says, that the reason of Freeholders was, that no slight Persons should be put upon a Jury where the Life of a Man, or his Estate is in question; it is plain therefore, the Concern of the thing to be tried, is the measure of the substance of the Jury-man. If that be true, the Trial in Treason is of the highest concern: How then is it true, as some of the Judges concluded, that tho Freehold might be requisite in some Cases at Common Law, yet in Treason certainly not? it is indeed a Paradox to me.

No Freehold a just Cause of Challenge, and why.

And the peremptory Challenge of thirty five allowed the Prisoner, is no Reason against the Challenge of no Freehold; for that is only a Privilege allowed the Prisoner in *favorem Vitæ*; and it might as well be argued, that no Challenge at all to the petty Jury shall be allow'd the Prisoner, because he had a Grand Jury past upon him before, which is also in *favorem Vitæ*; that no Man at the King's Suit shall be so much as question'd for his Life, till above the number of twelve substantial Men have, on their Oaths, said they think the Accusation true; and after that, he is allowed to challenge peremptorily thirty five, and with Cause without number. To affirm therefore that no Freehold is not a cause of Challenge, because he may challenge peremptorily thirty five, is a *non sequitur*: and tho Non-usage, that is to say, that this Challenge was never taken in Treason, was then us'd as an Argument, yet it is the weakest of Arguments, which is to be found in *Littleton*; tho even that Fact was not true, for the Challenge was taken and allow'd before, unless you will distinguish and say, that in that Case it was taken by the King, and therefore good, and in this by the Prisoner, and therefore bad. I'm sure that difference cannot be warranted, either by Authority or Reason; and what tho Cook and the other Regicides and other Persons did not take that Challenge, is it an Argument that

Why the Regicides did not take that Challenge.

that they could not, or that they thought they could not? perhaps they had forgotten to do it, as much as the Judges in this Case had forgotten their Resolution in *Fitzbarris's* Case; or perhaps they could not take it, their Jury being Freeholders; or perhaps it was to no purpose, they being tried in *Middlesex*, where a Jury of Freeholders would quickly be found. Nor is it an Argument that no Case of this Challenge at Common Law is to be found in the Books; for since the Statute of *Henry the 5th* to the time of *Queen Mary*, it could never be a Case, and from that time to this it could never be a Case in Felony: and the Law being so very plain, that if the Fact were with the Prisoner it was always allowed, if against the Prisoner it was disallowed, not as not good in point of Law, but as not true in point of Fact; therefore the Challenge perhaps was not taken notice of in the Books, which only report Difficulties.

It is true of late, and it is but of late Practice, the whole Transactions of a Trial are published for the benefit of the Publisher, rather than for the common Good; and that indeed was the Motive of publishing *Fitzbarris's* Trial signed by *Fra. Pemberton*, and of *Colledge's* Trial signed by *Fra. North*, and of my Lord *Russel's* signed by *William Prichard* Mayor, and *Col. Sidney's* Trial signed by *George Jefferies*, and *Mr. Cornish's* Trial signed by *Thomas Jones*. And that is the reason, why since that Statute we find no Case of such a Challenge in capital Matters, and before that Statute the Year-Books go but a little way.

Publishing of Trials a late Practice for the benefit of the Publisher.

It is enough there was no Resolution that it was not a good Challenge, for it will be of the King's side to shew why that should not be a good Challenge in Treason, which was in most if not in all other Cases.

It is pretty to observe what steps were made in over-ruling this Challenge, some were of Opinion that it was no Challenge in any Case at Common Law; so said the Attorney and Solicitor General, the Chief Baron, Justice *Windham*, and Baron *Street*. The Chief Justice thought it no Challenge at Common Law in Treason or Felony only, but that the Statute of *Henry the 5th* made it a Challenge in Treason and Felony; but whether the Statute of *Henry the 5th* made it a Challenge in Treason, the Chief Baron and Justice *Windham* doubted. Justice *Jones* thought it no Challenge at Common Law in Treason; Justice *Levins* would not determine whether it was a good Challenge in any Case at Common Law, but he and Baron *Street* were clearly of Opinion it was not a good Challenge in *London*. The Chief Justice thought it a business of great Consequence, not only for the Prisoner, but for all other Persons: Baron *Street* thought the Judges had been very nice in the Matter, which in the Phrase of the Law is giving themselves a great deal of trouble in a matter very clear, or of no moment.

Various Opinions of the King, Counsel and Judges about the Challenge of no Freehold.

But tho they differ'd in their Reasons, yet all agreed in this, and in this only, that tried he should be, and that presently.

Then, as for the Custom of the City of *London*, to try without Freeholders, how did it appear to the Judges that there was any such Custom? Did they ever read of any such Custom in the City of *London*? Nay, were not the Statutes which were cited, where no Freehold was made no Challenge in *London* in particular Cases, as so many express Resolutions, that there was no such Custom in the City? for if there had been such Custom, what needed those Statutes? To which the Judges never vouchsafed any Answer, because in truth they could make no Answer.

Custom of the City about Freeholders.

But it was objected, there was the Resolution in the City of *Worcester's* Case, which I agree was of as good Authority, and of no better than the Judgment in the principal Matter of the *Quo Warranto*. And it was likewise objected, there would be a Failure of Justice in Cities, if the Challenge were good for want of Freeholders.

I ask, would it have been a Failure of Justice at Common Law, or by reason of somewhat which hath happened of late Times? There is none who pretends to know any thing of the History of *England*, that will say, that heretofore the Cities were not inhabited mostly by the Gentry, and especially the City of *London*; partly for Luxury, partly for their Security; and then there was no want of Freeholders in the Cities: but when matters became more quiet, and Trade encreased, and made Houses in the Cities more valuable, then were Houses of equal Convenience, and less Price, situate in the Suburbs, or in the Country; the Gentry by decrees parted with their Houses in the Cities to Tradesmen for Profit, and remov'd themselves to other Places. And I believe it may be remembred, that even the *Strand*, in the memory of Man, could have furnish'd the County of *Middlesex* with a sufficient number

A Failure of Justice pretended in the Case, examin'd.

of Freeholders; and yet now, for the above Reasons, you can hardly find a Jury of Freeholders there.

Besides it must be remembred, that *London* heretofore had many of the King's Palaces in it, and the Countries did not then, as now, take up with Lodgings, but were Inhabitants of Houses: and if the Failure of Justice happen by the above means, I am sure it is against the Oath of the Judges to supply that Defect with their Resolution; but it ought to have been supplied by an Act of the Legislative Power.

If the Necessity of the thing warrants the Judgment, how unlearned were the Judges in *Henry* the 7th and *Henry* the 8ths Times, that they did not supply the defect in Law in the City of *London*, and other Cities by their Resolutions? How vain were the Parliaments in those Times, who supplied those defects in Law, mentioned in the Acts cited by those Statutes, which were Works of time and trouble, if they had thought the Judges by their Resolutions had Power to do it? for if they had Power to do it, they could have done it *extempore*, as in this Case.

The meaning of Probos & Legales Homines.

For the last Objection, that the Writ mentions only *Probos & Legales Homines*, and speaks nothing of Freeholders; *Legales* may very well be interpreted, to imply Men qualify'd by Law; but I take it, that *Homines* implies it, for by *Homines de Comitatu* are meant Freeholders of that County; and all others, in point of Trust, are not consider'd in Law. My Lord *Coke* in his Comment upon the 28th of *Eliz.* 1. cap. 8. which gives the Election of Sheriffs to the People of the County where the Sheriffwick is not in Fee, says, People there means Freeholders of the County; and the same is understood by Writs to the Counties to choose Coroners, Verderors and the like, tho the Writ says *per communitatem Comitatus, & de assensu Comitatus*.

And tho the Writs of *Venire* in civil Matters, of late Days, mention what Freehold each Juror shall have, yet that is by the Statute of the 35 of *Hen.* 8. cap. 6. which expressly commands the Writ shall so express it, in all Issues join'd in *Westminster*, to be tried between Party and Party: before which time it is plain, the *Venire*, even in civil Matters, did not express any Freehold, and that Statute doth not extend to Issues joined on Indictments.

The Prisoner's Challenge ought to be allow'd, and the reason.

Now if upon all which hath been said, it is not plain that the Challenge ought to have been allow'd, yet sure it was doubtful; and if so, and a matter of great Consequence, as the Chief Justice said it was, why might not the Counsel for the Prisoner have had a little more time to have consider'd of the Challenge before they had argued it, or the Judges have taken a little time to consider the matter before they had given their Judgment? I dare say, none of them could remember any positive Resolutions one way or other, nor upon a sudden was it expected they should; and therefore for their own sakes, if not for the Prisoner's, they might have taken the Morning, if not the Day. The Prisoner desired his Trial to be put off, for to have consider'd of it; in that time perhaps some of them might have remembred, or others might have put them in mind of their Resolutions in *Fitzharris's* Case; they might have consider'd how to distinguish between that Case and this, and not run away with it, that that Challenge was never made in Treason, as all the Judges affirm'd. But my Lord *Russel* was told by the Court, that they always tried the Prisoner in Treason the Day he was arraign'd, and could not put off the Trial for a Morning without the Attorney General's Consent; but surely that is not true, *Plunket* and *Fitzharris* were tried the Term after they were arraigned, tho the Attorney General oppos'd it. It is true, he submitted to the Rule, as it was as much his Duty to do as the Prisoner's; but if there be a difference between an Arraignment at *Westminster* and the *Old-Baily*, as to the speeding the Trial, the Place will not vary the reason of the thing, if there be not any Law for it, as there is not; but even at the *Old-Baily*, the Trial in Treason hath been put off to another Sessions, it was done in *Whitebread's* Case, and in many other Cases. If it be said that was by the Attorney General's Consent, I say that makes no difference, for the Judge is to be indifferent between the Attorney General and the Prisoner. If the Court must order nothing but what the Attorney assents to, why is not the Prisoner try'd and judg'd by the Attorney alone? or what needs all the Formality of a Trial, if it be said that that Trial was put off, because the King's Witnesses were not ready? I say there is the same Reason to put off a Trial, because the Prisoner's Witnesses are not ready, and that was the pretended, tho not the true Reason of putting off *Fitzharris's* Trial to another Term, and there is no Law to the contrary.

Or have time to consider of it.

Plunket and Fitzharris try'd the Term after their Arraignment.

It is totally in the Discretion of the Judges to put off a Trial, which Discretion ought to be govern'd by Reason.

But indeed this was extraordinary and without any Precedent: it can never be shewn in the Case of the greatest or meanest Persons, being accus'd of the greatest or least Crime, that ever the delay of a Day, much less of a Morning, for his Trial was denied, where he shew'd but any Colour for what he said, when the Sessions were to continue after the time he desir'd, as in this Case it did. *Fitzbarris* said his Witnesses were in *Holland*, and tho he nam'd no Persons, yet his Trial was put off to the next Term; my Lord *Russel* said his Witnesses could not be in Town till that Night, yet the Respite till next day was deny'd: all Persons agreed, that there was some extraordinary Reason for it, and before the Trial was over the Riddle was out.

Judges may put off Trials at Discretion.

Why the Prisoner's Trial was not put off till next day.

Earl of Essex kill'd that Morning.

What Influence it had on the Trial.

Prevail'd more with the Jury than all the Witnesses.

My Lord of *Essex* was kill'd, or to be kill'd that Morning; as to this Matter it is not material whether by his own or another's Hand: they were sensible the Evidence against my Lord *Russel* was very defective, and that Accident was to help it out, but that would not avail unless it were a surprizing matter upon the Jury; should the Jury have had a Day's or but a Morning's time to consider of it, People might have been talking with the Jury. It was very material to ask, what influence that Accident would have on my Lord *Russel*'s Trial, whether it was any Evidence against him: they might have been told what was true, that no Person kill'd was in Law suppos'd to have kill'd himself, till a Coroner's Inquest had sat upon the view of his Body, and found it so; and if it had been so found, yet even that had been no Evidence against another, because the Coroner's Inquest never found the reason why a Man kill'd himself; and if they should find the reason, yet even that was no Evidence against another, because that other was never call'd before the Coroner's Inquest to make his Defence. They might have been told a great many Circumstances of the Improbability of the killing himself; they might have observ'd that the King's Counsel were so far sensible, that it was no Evidence against my Lord *Russel*, that they never attempted to prove the Earl of *Essex* was dead or kill'd himself: it was only silyly insinuated, together with the reason of it which had its Effect, if the report be true of some of the Jurymen saying it went farther with them than all the Evidence of the Witnesses produc'd; and if that be true, there was a reason, tho not a just one, for speeding that Trial beyond the ordinary Methods of Trials at the *Old-Baily*.

But tho my Lord *Russel* had seemingly less favour in that Matter than any other Person, even than *Colledge*, who had the respite of two or three hours between his Arraignment and Trial, (tho that was not in favour to *Colledge*, but only to examine his Papers which they took from him, and instruct their Witnesses accordingly) yet in other things he had more Favour or Justice done him: his Papers were not taken from him; it was agreed to be his Right to use them without questioning from whom he had them, what they were, or the like, as in *Colledge*'s Case was done; he had a Copy of the Pannel of the Jury, even before his Arraignment, given him; and the Chief Justice said it was never denied in case of Life that he knew of, which was denied *Colledge* before he pleaded; because then 'twas pretended there was no Issue join'd, till *Plea* pleaded, after which the *Venue* is awarded; tho all Men know, that the Sheriff summons the Jury before the Arraignment, and even after Issue join'd. *Colledge* was denied a Copy of the Pannel, only he was told, he should look every Juryman in the Face before he was sworn; and as far as the looks of a Man betrays him, he should be satisfy'd whether he was honest or not, which is an ill way of judging; for I think the Person that gave that Rule, would have deceiv'd any Man by his Countenance, who had known his Practices.

Colledge had more favor in some things than the Prisoner, in others not.

Colledge deny'd a Copy of the Pannel.

Attorney General's Arbitrary Rules.

But says the Attorney General, in my Lord *Russel*'s Case it was matter of Favour, and not of Right, therefore no Injustice to *Colledge*. I confess of all Men whoever came to the Bar, he hath laid down the most Rules, which depend totally upon the Authority of his own saying; in *Colledge*'s Case he affirm'd, that the King's Witnesses ought not to be kept out of the hearing of each other, when they gave their Evidence (a method us'd in civil Matters, the reason of which is well known, and none can show any Law or Reason why it should not be us'd in capital Matters) with as much Reason and Authority as what now said.

First I do affirm there is no Authority in Law, which says a Prisoner shall not have a Copy of the Pannel; in the next place I affirm, that after a Jury struck in a civil Matter, each Party ought to have a Copy of the Pannel, in order to provide himself of a Challenge, if there be any Cause: In the last place, I affirm, that by Law more Favour is allow'd a Defendant in a capital Matter to defend himself, than

than in a Civil. And if these Propositions be true, let any Person if he can make out the Law, or Reason of the above Assertions.

The Prisoner is deny'd a Copy of the Matter of Fact laid against him.

Of a like stamp was the saying, when my Lord desir'd a Copy of the Matter of Fact laid against him, of the Attorney that he had notice of it; for Questions were put to him about it, and he was with his Lordship himself, and examin'd him upon those Questions, which was a Favour to him, that he might know what the Matter was he was accus'd of.

I do not affirm that ever it was practis'd, to give the Prisoner a Note of the Fact, to be given in Evidence against him, proving Treason, or that it was ever denied till then, nor do I know of any Law *pro* or *con* in the Case; but if one would judg by Reason or Practice in parallel Cases, I think it ought not to be deny'd.

Two sorts of Indictments for Treason & Barretry.

I know not at present of more than two sorts of general Indictments, and those are of Treason and Barretry; the last is a general Indictment, for stirring up Suits without Reason, and without mentioning any Suit in particular: and therefore if by the Rule of Court the Defendant was not help'd, which obliges the Prosecutor to give the Defendant, some reasonable time before the Trial, a Note of what Suits he intends to give in Evidence against him, it was impossible for the Defendant to escape, if it had been his misfortune to have had five or six Suits.

The Prisoner ought to have notice of the Matter of Fact.

For I never yet saw a Witness produc'd against the Indicted, but he would swear the Indicted brought an Action against him without Reason; and yet I have often seen, that the Indicted having had notice, that that was one of the Suits he was intended to be charg'd with, hath been able to prove that he had good, or at least probable Cause of Suit, which he could not have done if he had not notice. And in Treason, for designing to kill the King, there have been so many Interpretations of Facts tending that way, that it is almost impossible for an Innocent to defend himself, unless he had notice of the Fact intended to be insisted on at the Trial.

The Privilege of the City of London, that one may be a Jurymen tho no Freeholder, consider'd.

There are yet some Expressions which mightily puzzle me: the King's Counsel said in the Argument of the Challenge, that they would not have the Point of being a *Juryman*, tho not a Freeholder, lost to the City of London; and one of the Judges said, 'twas the Privileges of the City were struck at in that Point. If by those Expressions be meant, that it is for the benefit of the Publick that there should be no failure of Justice, I agree to it; but if it be meant that it is for the benefit of the Citizens to be *Jurymen*, I deny it: and I think nothing shews it plainer, than that it is a Privilege that a Citizen shall not be drawn out of the City to be a *Juryman*; that a Nobleman shall not be on a *Jury*; that it is a Matter of Prerogative in the King, and Favour to a particular Person, to grant him a Charter of Exemption from being on a *Jury*. So that if I consider the Law, I know what is meant by those Expressions; if I consider allow'd Practice, it is true a *Juryman* may earn his Eight-pence for a Trial; but that is too inconsiderable pay for Persons of Substance, as the *Jurymen* in this Case were said to be, to be fond of the Employ, or to account it a Privilege. Yet even that was but in Civil Matters; in Criminal Matters, not Capital, the *Jury* were heretofore paid if they acquitted the Defendant, but not if they found him guilty; tho of late it hath been practis'd to give them more, and treat them higher if they convicted the Defendant, than if they acquitted him: But in Capital Matters, as the Case in question was, it was never allow'd, or at least own'd to pay the *Jury*, be the Verdict which way it would.

Col. Rumsey's Evidence.

Having spoken to the *Preliminaries*, I proceed to the Trial, wherein Col. Rumsey was first produc'd: he said, he was sent by my Lord Shaftsbury about the end of October, or beginning of November; who told him, he should meet at one Sheppard's the Duke of Monmouth, Lord Russel, Lord Gray, Sir Thomas Armstrong and Mr. Ferguson, to know of them what Resolution they were come to about the Rising of Taunton: Sheppard carry'd him where they were, and answer was made, Mr. Trenchard had fail'd them, and there would be no more done in the Matter at that time; thereupon the Lord Shaftsbury took a Resolution to be gone: Mr. Ferguson spoke most of the Message, and he thought the Lord Gray spoke something to the same purpose; he did not know how often he had been at that House, he was there more than once, or else he heard Mr. Ferguson make a Report of another Meeting to the Lord Shaftsbury, my Lord Russel was in the Room, and that was all they said at that time that he remembred, he was not there above a quarter of an hour. There was some discourse about seeing in what posture the Guards at the *Mews* and *Savoy* were in by all the Company, to know how to surprize them if the Rising had gone on;

on; Sir Thomas Armstrong and Mr. Ferguson began, all debated it; he thought the Duke of Monmouth, the Lord Gray, and Sir Thomas Armstrong, were sent to view them; the Rising was appointed to be the 19th of November; he was spoke to by the Lord Shaftsbury to go to Bristol if the Rising had gone on, but in what Quality was not determin'd: The Lord Russel agreed to the Debate. Being ask'd if my Lord Russel said any thing there, and what; he answer'd, My Lord Russel spoke about the Rising at Taunton: Being ask'd what my Lord Russel said, he answer'd, My Lord Russel discoursed of the Rising; being ask'd if my Lord gave his Consent to the Rising, he said he did.

The next Witness was Mr. Sheppard, who said, In October last Mr. Ferguson came to him in the Duke of Monmouth's Name, and desir'd the conveniency of his House for himself and some Persons of Quality, which he granted. In the Evening the Duke of Monmouth, Lord Gray, Lord Russel, Sir Thomas Armstrong, Col. Rumsey, and Mr. Ferguson came, not all together, but the one after the other. Sir Thomas Armstrong desir'd, that none of his Servants might come up, and that they might be private; so what they wanted he went down for, a Bottle of Wine, or so: the substance of the discourse was, to surprize the King's Guards; and in order to it, the Duke of Monmouth, the Lord Gray, and Sir Thomas Armstrong, went one Night, as he remembred, to the Meuse, or thereabouts, to see the Guards; and the next time they came to his House, he heard Sir Thomas Armstrong say, the Guards were very remis in their places, and not like Soldiers, and the thing was feasible if they had but strength to do it: he remembred but two Meetings there; they came in the Evening; he neither heard nor saw any Coaches at his Door: When they came in, as he remembred, the Lord Russel was both times there; he had no business with the Lord Russel, nor the Lord Russel with him at that time, but since he had: He did not remember Col. Rumsey discours'd the Lord Russel about any private Business, nor remember'd any farther discourse; he remember'd no Writings nor Papers read at that time: upon recollection he remember'd one Paper read by Mr. Ferguson in the nature of a Declaration, setting forth the Grievances of the Nation, the Particulars he could not tell; it was a pretty large Paper, it was shew'd for Approbation as he suppos'd, when to be set out was not discours'd; 'twas shew'd to Sir Thomas Armstrong, and as he remember'd the Duke of Monmouth was present, and he thought Col. Rumsey was present: Col. Rumsey said, he was not present, it was done before he came. Mr. Sheppard went on and said, the design of the Paper was in order to a Rising, as he suppos'd by the Purport of it; he would not say the Lord Russel was there when that Paper was read, but he was there when the talk was about seizing the Guards; he could not be positive as to the times of those Meetings, but it was when the Lord Shaftsbury was absent from his House, he absented about Michaelmas day; he could not be positive that my Lord Russel was at both Meetings; he thought he was at both, he was sure he was at one.

Mr. Sheppard's Evidence.

The last Witness was the Lord Howard. He said he brought Captain Walcot acquainted with the Lord Shaftsbury; and upon his account Captain Walcot soon gain'd a confidence with the Lord Shaftsbury: Walcot told him, the People were sensible all their Interest was going to be lost by the Violence offer'd to the City in the Election of Sheriffs, and that they were resolv'd to take some course to put a stop to it: that there were several meetings about it, and some Persons began to prepare to act; that some had good Horses, and kept them in private Stables, and he resolv'd to be one in it: He having an Estate in Ireland, he dispatch'd his Son thither, and order'd his Son to turn his Stock into Money; the Son went about August: that the 30th of September Walcot din'd with him; told him, that the Lord Shaftsbury was secreted, and desir'd to speak with him: Walcot brought him to the Lord Shaftsbury, who complain'd of the Duke of Monmouth and the Lord Russel for deserting him; but there was such preparation made in London, that now he was able to do it of himself, and intended to do it suddenly; he had above 10000 brisk Boys ready to follow him when he held up his Finger, they would possess themselves of the Gates, and in twenty four hours they would multiply to five times the number, and would be able to possess Whitehall by beating the Guards. The Lord Howard went to the Duke of Monmouth, told him the Lord Shaftsbury's Complaint, who said, the Lord Russel and he told the Lord Shaftsbury from the beginning, that there was nothing to be done by them in the Country at that time. The Matter of the Discourse between him and the Duke of Monmouth, him and the Lord Shaftsbury, and him and Walcot, is too tedious to relate, and as little to the purpose, if the Jury had understood Matter of Law which they did not; in it he takes care to shew what

Lord Howard's Evidence.

what Confidence my Lord *Shaftsbury* had in him, more than in the Duke of *Monmouth* or the Lord *Russel*; how very cautious he was, and how precipitate the Lord *Shaftsbury* was, and that what he told the Duke of *Monmouth* the Duke told the Lord *Russel*; and he heard the Lord *Russel* had been with the Lord *Shaftsbury*, and put off the intended Rising. At which the Lord *Russel* interrupted him, and said, he thought he had very hard measure, there was a great deal of Evidence given by hearsay only: Whereupon the Chief Justice said, it was nothing against the Prisoner; he declar'd it to the Jury, but the Attorney General bid the Lord *Howard* go on in the method of Time, and that it was nothing against the Prisoner, but the Witnesses were coming to it if his Lordship would have patience, he assur'd him so. The Lord *Howard* went on where he left off, with a story between him and *Walcot* of an intended Rising, and of some dark Sayings let fall by *Walcot* and the Lord *Gray*, importing a Design upon the King's Person; but the Lord *Howard* was very careful to put all off, but at last it was resolv'd to rise on the 17th of *November*: But the Lord *Howard* fearing it had been discover'd, because he saw a Proclamation a little before forbidding Bonfires without the Lord Mayor's leave, that of the 17th of *November* was also disappointed, and the Lord *Shaftsbury* went away and died; but considering they had gone so far that it was not safe to retreat, and likewise that so great an Affair as that, consisting of such infinite Particulars, was to be manag'd with so much fineness, they erected a Cabal of six Persons, the Duke of *Monmouth*, Lord of *Effex*, Lord *Russel*, Mr. *Hamden*, *Algernon Sidney*, and himself, about the middle of *January* last; and about that time they met at Mr. *Hamden's* House, where it was consider'd whether the Insurrection should be in *London*, or in a place distant; what Countries and Towns were fittest and most dispos'd to Action; what Arms necessary to be provided; how to raise twenty five or thirty thousand Pounds, and how they might so order it as to draw *Scotland* into a Consent with them.

The Prisoner one of the six of the Cabal. Meet at Mr. Hamden's.

Then at the Prisoner's.

Send into Scotland.

Atterbury's Evidence.

Earl of Anglesey's Evidence for the Prisoner. Is interrupted by the King's Counsel.

Mr. Howard's Evidence for the Prisoner.

Dr. Burnet's Evidence.

Lord Cavendish.

About ten days after they met at the Lord *Russel's* House, and then resolv'd to send some Persons into *Scotland* to the Lord *Argile*, to invite some Persons hither to give an Account of that Kingdom; the Persons to be invited were Sir *Jo. Cockram*, Lord *Melvil*, Sir *Campbel*; that Matter was refer'd to Col. *Sidney*, who told him he had sent *Aaron Smith*; they agreed not to meet again till the return of the Messenger: The Messenger was gone about a month, it was six Weeks or more before he return'd, and then his Lordship was forc'd to go into *Effex*, where he had a small Concern; there he staid three weeks, and when he return'd, he was inform'd Sir *John Cockram* was come to Town, and afterwards he was forced to go to the *Bath*, where he spent five weeks; and from that time to this was five weeks, all which time was a Parenthesis to him; and that he and the five mention'd erected themselves by mutual Agreement into that Society.

Atterbury swore *Campbel* was in his Custody: then Col. *Rumsey* was ask'd, whether my Lord *Russel* heard him when he deliver'd his Message to the Company, and in what place of the Room the Company were: who answer'd, that when he came in, they were standing by the Fire-side, but all came from thence to hear him; and when my Lord *Russel* said Col. *Rumsey* was there when he came in, *Rumsey* said, No, the Duke of *Monmouth* and Lord *Russel* went away together.

Then in behalf of my Lord *Russel* the Earl of *Anglesey* was examin'd, who said, that visiting the Earl of *Bedford*, the Lord *Howard* came in and told the Earl of *Bedford*, that his Son could not be in such a Plot, or suspected of it; and that he knew nothing against the Lord *Russel*, or any body else, of such a barbarous Design: And he was going on again with what the Lady *Chaworth* had told him, but was interrupted by the King's Counsel, telling him, as the Court would not permit them to give Hear-say in Evidence against the Prisoner, so they must not permit his Lordship to give Hear-say in Evidence for the Prisoner.

Mr. *Howard* said, that the Lord *Howard* took it upon his Honour, and his Faith, he knew nothing of any Person concern'd in that Business, and not only thought my Lord *Russel* unjustly suffer'd, but he took God and Man to witness, he thought my Lord *Russel* the worthiest Man in the World.

Dr. *Burnet* said, the Lord *Howard* was with him, and he did then, as he had done before, with Hands and Eyes lift up to Heaven, declare, he knew nothing of any Plot, nor believ'd any, and treated it with great Scorn and Contempt.

The Lord *Cavendish* testify'd as to the Life and Conversation of the Lord *Russel*, and thence concluded, it was not likely he should be guilty of any such Matter, and

and heard the Lord *Russel* speak of *Rumsey*, as if he had an ill Opinion of him, and therefore it was not likely he should trust him. Dr. *Tillotson* spoke of his Conversation. Dr. *Burnet* and Dr. *Cox* spoke of his Conversation, and of his Aversness to all Risings. Dr. *Cox* testify'd, that my Lord *Russel* said the Lord *Howard* was a Man of luxuriant Parts, but he had the luck not to be trusted by any Party. The Duke of *Somerset* spoke of the Lord *Russel*'s Conversation. The Lord *Clifford*, Mr. *Leveson Gore*, Mr. *Spencer*, and Dr. *Fitzwilliams* spoke of the Lord *Russel*'s Conversation. The Lord *Howard* being ask'd by the Jury what he said to the Earl of *Anglesey*'s Evidence, own'd what the Earl said, but he did it to outface the Matter; and if he said untrue, he ought not to be believ'd on his Oath, and insinuated, that he meant what he said to be meant of a Design of murdering the King, which he did not believe the Duke of *Monmouth* or the Lord *Russel* guilty of.

Dr Tillotson's.
Dr Cox's.
Duke of Somerset's
and others.

This being the sum of the Evidence given against, or for my Lord *Russel*, let us consider how far it will justify the Verdict given against him: first consider the Improbability of *Rumsey*'s Evidence, if my Lord *Cavendish* said true, that he should trust *Rumsey* to hear the debate about seizing the Guards, when the Lord *Russel* had an ill Opinion of *Rumsey*. As for *Rumsey*'s delivering the Message, there was no great Matter in that, it is impossible to hinder Peoples speaking, and it is not Treason to conceal what's said; besides it was well known, it was *Rumsey*'s way to talk extravagantly, in order to accuse those that heard him, if they did not discover it. But besides the Improbability of the Evidence in respect of the Person, the manner of delivering the Evidence, and the Evidence it self was such as carry'd no Colour of Truth with it: he said he deliver'd his Message, and had an Answer to it, and being ask'd what the Company said further, answer'd, that was all that was said at that time that he remember'd, and gives a very good Reason for it, for he stay'd not above a quarter of an hour, and added that he was not certain whether he then heard something of a Declaration there, or whether Mr. *Ferguson* reported it to my Lord *Shaftsbury*, that they had debated it; and yet when *Sheppard* said *Rumsey* was there when the Declaration was read, he deny'd it, and said it was read before he came in. Being ask'd to what the Declaration tended, he answer'd to another Matter, viz. that there was some discourse about seeing what Posture the Guards were in, and said that all the Company debated it; and being drawn on by Questions, said it was in order to seize the Guards, if the Rising had gone on. Now how doth that Part of the Evidence agree with what he said before, that there was nothing more said than the delivering his Message, and the Answer to it? and how doth it agree with the time he said he stay'd, which was not above a quarter of an hour? whereas that debate, if all the Persons present being six debated it, as he said they did, it would certainly have taken up a larger time. How does the first and last part of his Evidence agree, when he said, my Lord *Russel* agreed to the Answer of his Message? and being ask'd whether and what he spoke to it, said, he spoke about the rising at *Taunton*, but doth not say what; and yet in the first part of his Evidence he said, when ask'd who sent the Message back, Mr. *Ferguson* deliver'd the Answer, the Duke of *Monmouth* and the Lord *Russel* were present, and he thought the Lord *Gray* said something to the same purpose. But what Credit could be given to any part of a Man's Evidence, whose Memory was so shallow, that he could not remember whether he was at two Meetings, or whether Mr. *Ferguson* related one of them to the Lord *Shaftsbury*? yet both were suppos'd to be within the Compass of a year, whereas a Man of Sense is suppos'd to remember all his own Acts for seven years past, which is the Reason why the Chancery obliges a Man to answer as to his own Acts positively for seven years, without saying as he believeth, or as he remembreth, or the like. What Credit is to be given to a Witness who testifieth what was said in company, and by whom, when his Memory doth not serve to answer positively, whether he was in the Company, or whether another told him what was there said? he might as well have said he was there, or dreamt he was there, or that he heard the Discourse or dreamt of it, which had carry'd equal Credit with it.

The Evidence against the Prisoner consider'd.

Rumsey's Evidence disprov'd.

It was plain, the Man was not of sane Memory enough to make a Will, much less to be a Witness in the Trial of a Man's Life; and nothing can be said for him, but that he was a Witness for the King, that is to say, a mad Man may be a Witness to take away a Man's Life, which is as good Law as a great deal of other Cant vented as a part of the Prerogative.

It is true one of the King's Counsel recommends *Rumsey* to the Jury, as a very credible Witness under the notion of an unwilling Witness: but had the same Person been a Counsel for the Prisoner, he would have call'd *Rumsey* a dancing Witness,

ness, for he said backwards and forwards; and an amaz'd Witness, for being ask'd one thing, he answer'd another; being ask'd as to the *Declaration*, he answer'd to the seizing of the *Guards*; being ask'd whether my Lord *Russel* assented to the Answer of the Message, he reply'd yes, because he talk'd of the Rising, &c. which might be as well against as for it.

Sheppard's Evidence examin'd.

Sheppard's Evidence was to the Design of seizing the *Guards*, and as to the *Declaration*, he remember'd but two Meetings, at both which he said, as he remember'd, my Lord *Russel* was present, but he could not be positive in that, and the times of the Meetings he did not remember: he said, the substance of the Discourse was, how to surprize the King's *Guards*, and that the Duke of *Monmouth*, the Lord *Gray* and Sir *Tho. Armstrong* went to see the *Guards*, as he remember'd; and the next time they came to the House, Sir *Tho. Armstrong* said, the *Guards* were very remiss, &c. Taking this Evidence by it self, without tacking *Rumsey's* Evidence to it, it was so far from being Evidence of Treason, that it was no Crime; for he doth not say, it was intended to be put in practice, notwithstanding all said by him; both the Discourses and the Persons viewing the *Guards* (which last was not Evidence, nor ought to have been given in Evidence) might be a Matter to try each others Judgments, as well as an Evidence of a thing design'd: and if it be capable of two Interpretations, the Law hath said, it shall be taken in *mitiore sensu*, in favour of Life; that distinction was taken by the Chief Justice in *Blague's* Case, the day after this Trial, where the Evidence against him was a Discourse about taking the Tower, as high a Crime as seizing the *Guards*; and upon that *Blague* was acquitted. It is true *Rumsey* said it was in order to be put in practice, when the Rising should be in the Country, but that he did not say at first; but was afterwards led to it by questions; nor did he speak it as a thing at that or at any other time determin'd, but as his own surmise or guess, because he knew of an intended Rising. Yet how foolishly did he contradict himself? for says *Rumsey* it was to have been put in practice, if the intended Rising had gone, and yet at the same Meeting he had said before, the Rising was put off: how contradictory therefore is it to say they made Preparations for a thing they had laid aside before? And it is plain *Sheppard* speaks of the same time; for both agree, *Rumsey* was at that Meeting, tho they do not agree how soon he came: besides, how could *Sheppard* speak positively of the Discourse, or of the Design of it, when he owns he did not hear all their Discourse, and gives a very good Reason for it? for he said he went several times down to fetch Wine, Sugar and Nutmeg, and did not know what was said in his Absence: he said he heard nothing about a Rising, nor heard any further discourse; but on recollection, he heard something about a Declaration of Grievances in order to a Rising, as he suppos'd, the Particulars he could not tell. Now what sort of Evidence was that? In all civil matters, a Witness shall not be permitted to give Evidence of the Content of a Deed or Writing without producing the Deed or Writing it self, or a true Copy of it, and upon very good Reason; for he may make an untrue Construction of it. I remember a Witness who swore to the Content of a Deed of Intail, and being ask'd whether he knew a Deed of Intail, and by what he knew the Deed he spoke of to be a Deed of Intail, answer'd he knew a tailed Deed very well, and he knew the Deed he spoke of to be a tailed Deed, because it had a Tail half as long as his Arm, meaning the Label of the Deed. And if this be the Practice and the Reason of the Practice in civil Matters, shew me any Authority or Reason any thing should be permitted to be given in Evidence in Treason, which is not permitted to be given in Evidence in the Trial of any civil Matter.

Contradictions in it.

Such insignificant Evidence not allow'd in Civil Matters.

The Difficulty of proving Treason.

If you say, as Justice *Lewins* said in a like Case in *Colledge's* Trial, that it would be the difficultest thing in the World to prove Treason against a Man, if the Law were not so, and the King would in no sort be safe; on the other hand I say as *Colledge* there said, if the Law should be so, no private Person is safe: and if there be Mischief of either hand, the Law is and must be Judge, which hath taken care (tho to no purpose, because it hath not been observ'd) that there shall be a stricter Proof in Treason than in any civil Matter, or in any other Crime: and how the Judges came to permit that loose Evidence in Treason to be given, which of late years they have done, no just or honest Account can be given.

Id Howard's Evidence consider'd.

The last material Witness against my Lord *Russel* was my Lord *Howard* (as for *Atterbury's* Evidence, it ought not to have been permitted to be given, as shall be shewn, nor was it material) to no part of whose Evidence any Credit ought to be given, even by his own Confession: he was surely in the right, when he said that the Religion of an Oath is not ty'd to a Place; and I'll add, not to a Form, but receives

ceives its Obligation from the Appeal therein made to God ; and therefore if he said (tho I own he was not bound to say it) to the Earl of *Bedford*, Mr. *Howard* and Dr. *Burnet*, what was testify'd against him, he ought not to be believ'd in any part of his Evidence. Did he say true to my Lord *Bedford*, when unsent for and unask'd (for ought appears after my Lord *Russel* was clapt into the Tower) that sure his Son could never be in any such Plot as that, or suspected for it, and that he knew nothing against him, or any body else, of such a barbarous Design ; and yet he kne if he swore true that my Lord *Russel* was guilty of such a barbarous Design, that nothing but the Lord *Howard's* Duty to God, the King and the Country, could prevail with him to give it in Evidence against a Person for whom he had so great an Affection as he had for my Lord *Russel*. How was it consistent with the truth of his Evidence what he said to Mr. *Howard*, that he knew nothing of any Man's being concern'd in that business, and particularly of my Lord *Russel*, whom he highly commended, and said he thought the Lord *Russel* unjustly suffer'd ; or with what he said to Dr. *Burnet* with Hands and Eyes lift up to Heaven, which is as much an Appeal to God as may be, that he knew nothing of any Plot, nor believ'd any ? It was an idle Evasion to say, when he spoke of my Lord *Russel*, he meant my Lord *Russel* was not guilty of the Design of murdering the King (for which that Man, as he said, was committed, meaning *Walcot*, the Lord *Russel*, or any other Person) for he is still at liberty to explain himself, and I am apt to think they were all committed by Warrants of the same Form. I know not how dextrous he is at paring an Apple, but he must be an excellent *Logician* that can reconcile the truth of his Evidence and Sayings. The truth is, a Man that has those Niceties in his Head ought to have no Credit ; for no Man knows whether he understands what he says aright, and I am apt to think his Lordship could shew, that he did not intend what he said at my Lord *Russel's* Trial in the Sense it was understood by the Court or Jury. To say, that he was to outface the thing for himself and his Party, was as vain (for besides that I think he was of no Party, because, as my Lord *Russel* said, he had the luck to be trusted by none) Where was the Sense of making those Protestations to Persons who could do him no good, and would do him no harm, both which my Lord *Pemberton* could ; and therefore 'twas not alike ? It is true, the Attorney General commends the Lord *Howard* as a Person of great Credit amongst the Party, and insinuates the Lord *Gray* was left out of the Cabal for his Immorality, and the Lord *Howard* was taken in his place. But to pass from the General of his Evidence to the Particulars of it, for about two leaves in the Print of it ; it is a discourse between my Lord *Shaftsbury* and him, wherein he makes my Lord *Shaftsbury* have a wondrous Confidence in him, and discovers all the Design to him, and what number of Men he had at Command ; but who they were, or what they were, was never yet discover'd, and yet the Lord *Howard* had not at that time been concern'd in the Matter, nor did then assent : he very prudently was resolv'd to see whether it was likely to take effect or not before he would enter on it. It was indeed a Matter of great Wonder to those who knew my Lord *Shaftsbury*, and knew what Opinion he had of the Lord *Howard* from the time he discover'd that the Lord *Howard* frequented the Dutcheß of *Portsmouth*, which was before *Fitzbarris* his Trial (tho after that Trial the Matter was publickly own'd, which was before suspected by most known to the Lord *Shaftsbury*) that he should so readily trust the Lord *Howard* with the secret, who was unconcern'd in the management before, as he says himself, and yet secreted himself from the Duke of *Monmouth* and my Lord *Russel*, who were equally guilty, if what was sworn was true. I cannot but observe that in all the time of the Lord *Shaftsbury*, the Lord *Howard* was no otherwise concern'd in the pretended Design, but in raising Difficulties, and being in great fear lest there should be a Rising or an Attempt upon the King's Person : and if he said true, he was the Man that put off the intended Risings, and likewise the intended Design on the King's Person, in so much that I think he was so far from standing in need of a Pardon for Treason, that he deserv'd a considerable Reward, if it were for nothing else than for his fearing the Design was discover'd by the Proclamation against Bonfires, which, as he said, put off the Rising intended to be the 17th of November ; and yet he and others being afraid, the middle of January they erected themselves into a Cabal of six Persons, of which there is but one Person in all his Narrative he pretends to have spoken to about that Matter before, which is the Duke of *Monmouth*, and but one more he pretends even by hearsay to be concern'd in it before, which is my Lord *Russel*. How improbable therefore was it, that those six Persons should, as it were on sight, put themselves upon such a dangerous Design,

The Religi
on of an
Oath.

What the
Ld Howard
said at the
Earl of
Bedford's
inconsistent
with his E-
vidence.

The parti-
culars of
his Evi-
dence con-
sidered.

Improbabi-
lity in the
Ld How-
ard's Evi-
dence.

especially considering the Reason he gives for it, which was their Fears, that what had been transacted was, or might be discover'd? This likewise is observable, that from the 30th of September, the time the Sheriffs entred upon their Office, to the 17th of November following, he is very exact as to the time of each Matter, when there was no Person could contradict him; for my Lord Shaftsbury was dead, Walcot was convicted, and the Duke of Monmouth was gone, who are all the Persons mention'd to be concern'd in that time: yet when he comes to speak of the Matter in which my Lord Russel was concern'd, then he says it was about the middle of January, about ten days after, about six weeks after, about three weeks and five weeks; for had he been precise in the times, he might have been disprov'd in the Meetings he gave Evidence of: and it is much his Memory was so very good as to the former times, to be so very precise in them as he was, and so very defective in the latter times; and yet those times do not make up the space between the middle of January, and the time of the Trial by many weeks, unless you will give large Allowances to the word *about*; an Exception which was taken to Mowbray's Evidence, tho he rectify'd it by his Account in his *Almanack*; but it would not be admitted, tho Colledge very sensibly desir'd of the Court for Justice sake to look on the *Almanack*, to see whether it was newly writ, as if done for that purpose.

Besides the Improbability, if such a thing was in hand, as the Lord Howard pretended, for him to run into the Country, and then to the Bath, when the Matter was just come to a Crisis as it were, shews him, if he swore true, rather a Madman than a Traitor.

The King's
Counsel's
Usage to
the Prisoner
very unfair
and unjust.

But the Usage of the King's Counsel and the Court toward the Prisoner was very unjust and unfair; they permitted the Lord Howard to go on with a long story of him and my Lord Shaftsbury, at which when my Lord Russel took Exceptions, the Chief Justice it is true said it was no Evidence; yet the Attorney General bidding him go on in the Method of time, he went on where he left off, intermixing Stories of Designs and of Attempts by other Persons upon the King's Person to exasperate the Jury, as my Lord Russel said rightly against him; a thing which no Counsel durst have done, and no Court would have suffer'd in any other Case, nor even in that would the Court or Counsel suffer it for the Prisoner. How was my Lord Anglesey checkt when he began to tell what my Lady Chaworth said, and Mr. Edward Howard when he did not speak of his own Knowledg? How unjust was it for the King's Counsel to repeat all the Evidence the Lord Howard gave, when they sum'd it up, even that which the Court told them before was not Evidence! How unjust was the insinuating of the Death of my Lord of Essex, as Evidence against my Lord Russel! And why did not the Court in summing up the Evidence take notice of the Liberty the Witnesses and Council had taken, and have told them what was not Evidence? No other Reason can be given than what Colledge said at his Trial upon his Observation of Fitzbarris's business and his own, That the Matter was not to stop at him.

Remarks

Remarks on Col. Sidney's Trial.

THE Lord *Russel* being executed, and the same day, what was called his Speech being published, than which nothing in Print was ever so eagerly accepted or sought after, which shewed the Inclination of the People; there was some respite for quieting the minds of the People, but it was not to stop there, as *Colledge* said, and therefore Col. *Sidney* (who was talk'd to Death under the Notion of a Commonwealths-man) was the 17th of November, 1683. brought to *Westminster* to be arraigned on an Indictment of High Treason. The Indictment at the time he came to the Hall, was so far from being found by the Grand Jury, that it was not so much as presented to them; but the King's Counsel, who had packt the Jury, knew well enough that it would be accepted, that is, found upon sight by the Jury, without any consideration, which was accordingly done, and Col. *Sidney* thereupon arraign'd. The Indictment was for designing to depose the King, and to persuade the King's Subjects to rebel; and that he did write a certain Libel, wherein it was contain'd, that he (meaning King *Charles* the Second) is subject to the Law of God as he is a Man, to the People who made him such, as a King, &c. To which Indictment he would have put in some Exceptions, exprest in a Parchment in his Hand, but was told by the Court, he must either plead or demur, and upon no other Terms Exceptions could or ought to be admitted; after which he pleaded Not guilty.

Lord *Russel*'s Speech much sought after.

Col. *Sidney* Indicted.

Jury finds the Bill at first sight.

Refused a Copy of the Indictment.

West's Evidence. Rumsey's.

Keeling's.

Lord Howard's.

The 21st of November he was try'd, at which time he insisted to have a Copy of his Indictment, as he had done when he was arraign'd; but was both times denied. The first Witness against the Prisoner was Mr. *West*, against whom Col. *Sidney* objected, because he was not pardon'd; but it was answer'd by the Court, that he was a good Witness in my Lord *Russel*'s Trial, and therefore should be in that. Then Col. *Sidney* desired Mr. *West* might speak nothing but what he knew of Col. *Sidney*, but was answer'd by the Court, he might give Evidence of a Plot in general, tho Col. *Sidney* was not concerned in it, and it was call'd Sir *William Jones*'s Law. Then Mr. *West* went on, and gave Evidence of what Col. *Rumsey*, Mr. *Nelthorpe*, and Mr. *Ferguson* told him of Col. *Sidney*, but of his own Knowledge he could not say any thing of the Prisoner. *Rumsey* gave a like Evidence he had done in my Lord *Russel*'s Trial, with an Addition of what Mr. *West* and Mr. *Goodenough* told him. *Keeling* gave Evidence of what *Goodenough* told him, all which the Court agreed was no Evidence against the Prisoner. Then the Lord *Howard* gave the like Evidence from the middle of January to that time, as he had done in the Lord *Russel*'s Trial, saving that he said the Earl of *Salisbury* was brought into the Cabal, who was not mention'd before, and save that he said the meeting at my Lord *Russel*'s was about a Fortnight or three Weeks after the meeting at Mr. *Hamden*'s; whereas in my Lord *Russel*'s Trial, he says it was about ten days after the meeting at Mr. *Hamden*'s House: and here he makes two notable Speeches for Mr. *Hamden* at the opening of the Consult, both which he had forgotten at my Lord *Russel*'s Trial, nor could remember at Mr. *Hamden*'s Trial, tho in the last he was led by a great many Questions to put him in mind of them. After his Evidence given, Col. *Sidney* was ask'd whether he would ask the Witness any Questions, who answered, he had no Questions to ask him; whereupon the Attorney General said silence—You know the Proverb.

The Record of the Lord *Russel*'s Conviction and Attainder was given in Evidence. Sir *Andrew Foster* swore Sir *John Cockram* and the two *Campbells* came to London Sir *Philip Floyd* proved the seizing of some Papers in the Prisoner's House, and he did believe the Papers shewn in Court to be some of them. *Sheppard*, *Cary*, and *Cook* swore the Writing produced was like the Prisoner's Hand-writing; the Attorney General desired some part of the Writing should be read; the Prisoner desired all of it might be read, but was answer'd by the Court, that the Attorney must have what Part of it he would to be read, and afterwards the Prisoner should have what Part of it he would to be read; but he persisted to desire all of it should

Evidence about the Papers.

Debate about them.

Earl of
Angle-
sey's, &c.
Evidence
for the Pri-
soner.

should be read; then the Writing was read, (which was plainly an answer to a Book, but what Book was not mention'd) in which the Right of the People was asserted. The Earl of *Anglesey* gave the same Evidence for the Prisoner, of the Lord *Howard*'s speaking of my Lord *Russel* and the Plot, as he had done in my Lord *Russel*'s Trial. The Earl of *Clare* said that the Lord *Howard*, after Col. *Sidney*'s Imprisonment, said, if he was questioned again, he would never plead; the quickest Dispatch was the best, he was sure they would have his Life; and speaking of the Primate of *Armagh*'s Prophecy, he said, the Persecution was begun, and he believed it would be very sharp, but hoped it would be short; and said, he thought Col. *Sidney* as innocent as any Man breathing, gave him great Encomiums, and bemoaned his Misfortune; and as for Col. *Sidney*'s Papers, he said he was sure they could make nothing of them. Mr. *Philip Howard* said, the Lord *Howard* said it was a Sham-Plot; Dr. *Burnet* gave the same Evidence as he did in my Lord *Russel*'s Trial: Mr. *Ducas* gave Evidence, that the Lord *Howard* said he knew nothing of Col. *Sidney*'s being in any Plot. The Lord *Paget* gave Evidence to the same purpose. Mr. *Edward Howard* gave Evidence to the same purpose. *Tracy* and *Penwick* gave Evidence to the same purpose. Mr. *Blake* testified, that the Lord *Howard* said he had not his Pardon, and could not ascribe it to any other reason, than that he must not have it till the Drudgery of Swearing was over. Now to review what hath been said, it is strange to see what a Progress was made in the Resolutions of Points of Law, to take away a man's Life; to say it in Col. *Sidney*'s Words, as if the Court and Counsel thought it their Duty to take away a man's Life any how. Mr. *West* and several others are admitted to give Evidence by hearsay against the Prisoner, and their Evidence summed up and urged as Evidence to the Jury; and the Reason given for it was, that he was admitted a good Witness of a like matter, in the Lord *Russel*'s Trial: which besides that it was not true, for he was rejected in that Trial, as it appears in the Print; yet if he had been admitted, it was of no Authority, as Col. *Sidney* said, because perhaps he was not excepted to. Of a like stamp is the Evidence of the Conviction of the Lord *Russel*, tho I agree the Lord *Russel*'s Conviction was as good Evidence against Col. *Sidney*, as the Earl of *Essex*'s Murder was against my Lord *Russel*, and no better. The same may be said of *Rumsey*, *Keeling*, *Foster* and *Atterbury*'s Evidence. Against the Lord *Howard*'s Evidence there were the same Objections, as in the Lord *Russel*'s Trial, with the addition of several other Persons testifying, that he said he knew not, nor believed any thing of the matter; and that he could not have his Pardon, till he swore others out of their Lives, which in truth was the Sense of his Expressions.

Observations
on the
Evidence
against the
Prisoner.

King's
Counsel
palliate
Lord How-
ard's Evi-
dence.

The King's Counsel indeed had thought of something since the Trial of my Lord *Russel* to palliate the matter of the Lord *Howard*'s sayings (for they lean'd hard upon his Reputation, and lookt as if he would perjure himself at the expence of some Persons Lives, as his Words are in the Lord *Russel*'s Trial) Would you, say they, have had him confess the matter to those Persons to whom he had denied it?

I think there is a difference between confessing and denying: Who ask'd him the Question? What did it avail him to deny it to the Persons testifying against him? and therefore when he voluntarily said a thing untrue, unasked, not provoked or compelled to do it, and which could do him no good, it was good Evidence of his Untruth, and that no Credit ought to be given to what he swore.

As for the last part of the Evidence, which was about the Writing, both the Indictment and the Evidence was defective.

Evidence
about the
Papers de-
fective.

As for the Evidence, if the Subject Matter of the Writing had been Evidence of Treason, the Indictment ought to have exprest that he published it, which the Indictment in this Case did not; and upon good reason, which was, that the Jury might be put in mind, that the Publishing of it was necessary to make it known; whereas they very well knew that the Evidence would not, nor did come up to it. This was the first Indictment of High-Treason, upon which any Man lost his Life, for writing any thing without publishing it; for in *Fitzharris*'s Indictment, he was charged with publishing his Libel; and so in all other Indictments for Writing, and upon good reason: for this being made an overt Act of Treason, it must be an Evidence of a Design to kill or depose the King, or the like; and as the Consequence of what the Writing contain'd, which was that the Power was in the People, &c. being in its nature no other, nor urged by the King's Counsel to any other intent than to corrupt the Subjects minds, could not be Evidence of such matter, unless proved he had writ and published it, whereof the last was not pretended to be proved.

Power in
the People.

That

That it was necessary to be exprest in the Indictment, and proved at the Trial, appears by the Resolution of all the Judges of England in *Hugh Pines* Case, reported in *Cro. Car. Fol. 89.* at a time when Prerogative run pretty high; wherein, besides the resolution that no Words charging the King with any personal Vice, was Treason, there is the Case of one *Peacham*, in 33d of *Henry the 8th*, cited, who was indicted for Treason, for Treasonable Passages in a Sermon never preached, nor intended to be preached, but found in writing in his Study; he was found guilty, but never executed; for many Judges at that time were of Opinion it was not Treason, as the Book says: which I think, according to the Evidence here given, was the exprest Case of *Col. Sidney*, admitting he writ the Book produced, and that the Passages in it were Treasonable.

No Treason to charge a King with personal Vices.

And as this Indictment was an Original in the particular before mentioned, so it was a second of an *Innuendo* Indictment of Treason, *Fitzharris* was the first. The Prosecution against *Car*, as I remember, was an Information, and Judgment arrested after a Verdict, because it was by *Innuendo*, of which no Precedent could be produc'd; and altho in Actions for Words it was permitted, yet in Criminal Matters being Penal, it was resolv'd it ought not to be permitted, and certainly much less in Treason: and as this Indictment was an Original in one part, and a Second in another, the Evidence on it was an Original in another part, which was proving the Book produc'd to be *Col. Sidney's* Writing, because the Hand was like what some of the Witnesses had seen him write; and Evidence never permitted in a criminal Matter before. The Case of the *Lady Carre* was well cited by *Col. Sidney*, against whom there was an Indictment or Information of Perjury, in which it was resolv'd that Comparison of hands was no Evidence in any criminal Prosecution: and it must be own'd that at that time, besides *Keeling* and *Twisden*, there then sat in that Court *Sir Wadham Windam*, whom all will own to have been the second best Judg which sat in *Westminster-Hall* since the King's Restoration: and if it be not Evidence in a Prosecution of Misdemeanor, much less in Treason, as *Col. Sidney* said; which Inference, besides the reason of the thing, is backt by the Authority of my Lord *Coke*.

Col. Sidney's Indictment an Original.

Case of Lady Carre. Comparison of hands no Evidence.

But admitting *Col. Sidney* wrote that Book, and published it; yet if it were not done with a design to stir the Subjects up into a Rebellion, but was writ and published only *disputandi gratia*, as the import of the Book shews plainly it was, it was no more Treason than the discourse between *Blagrove* and *Mate Lee* about taking the Tower was. And suppose it was wrote with that design, yet it not appearing when it was writ, how could a Jury upon their Oaths say it was done with a design to raise Rebellion against King *Charles the Second*, when for ought appeared it was writ before he was King or thought of? It might for ought appeared be writ in King *Charles the First* his time, or *Cromwel's* time, and design'd against either of them, or any Foreign Prince, and therefore could not be Treason against King *Charles the Second*.

The Book contain'd no Treason.

The Evidence was an Original in this Particular; also it was the first time that ever a particular Expression in a Writing was given in Evidence against a Man in Treason without reading the whole Writing, and for a very good reason given by the Jury in *Fitzharris* his Case, which was, that there might be something in the Writing not exprest in the Indictment, which may explain the Clauses in the Indictment, so that they may bear another construction: and in that Trial it was agreed, the whole Writing ought to be read, and was read accordingly; and it was the duty of the Court to have ordered it, whether the Prisoner or Jury had desired it or not, as they are upon their Oaths to do right: but in *Col. Sidney's* Case, when press'd by him, it was denied; only some particular Passages he might have read if he would, which he did not accept, upon a very good reason which he gave, which was, that he knew not the Passages of the Book, or at least he did not remember them, and therefore could not call for them. 'Tis true that Practice in Civil Matters is allowed to save time, where the mischief is not very great: because of a Passage in a Deed or Writing material for either Party omitted in reading, the Matter may be brought about again; but in Criminal, much less in Capital Prosecutions, they cannot be, unless a way can be found to bring a Man to Life again.

Fitzharris's Paper all read.

Almost all the Circumstances of this Trial are Originals; the summing up of the Evidence against him was barbarous, being Invectives and no Consequences. It was said he was not only guilty of the Practices he was accused of, but that he could not have been otherwise, because his Principles led him to it; and it might with as

Almost all the Circumstances Originals.

Summing
up the Evi-
dence bar-
barous.

as good reason have been urged, that he not only was become, but was born a Traitor. The last Matter remarkable in the Trial was that of an Overt Act, of which the Court said it was resolved by all the Judges of *England*, that if I buy a Knife of *J. S.* to kill the King, and one Witness prove I bought a Knife, and another prove I bought it for that purpose, it is two Witnesses of an Overt Act within the Statute of *Ed. 6th.*

It were very fit to know who the Judges were who gave that Resolution, if it were but for the Authority of the Case; for I doubt the reason of it will convince no Man: they might as well have resolved that eating or drinking, or the most ordinary Acts of a Man's Life, is an Overt Act of High Treason.

No Overt
Act prov'd.

The Law hath taken that care for the Evidence of High Treason, which it hath not done in any other Case, that it must be proved by an Overt Act, proved by two Witnesses. One would think at first sight of the Statute that there should be two Witnesses to the same Fact; but that hath been adjudged otherwise, yet still it was resolved there must be two Witnesses: but if this Resolution be Law, it is plain there needs but one. 'Tis true, if a Man does an Act for which he can give no reason, as placing a Mine of Poudre in a Place the King usually passeth over, or planting a piece of Cannon to shoot at a place the King usually passeth by, if he cannot give a credible reason why he did it, and another swears the purpose of the thing, it is two good Witnesses within the Act.

Wearing a
Sword no
breach of
the Peace.

It hath been said, if a Man be bound to his good behaviour, and wears a Sword, it is a breach of the good behaviour; and perhaps heretofore when Swords were not usually worn but by Soldiers, it might be so, because it struck a Terror in other People as much as a Blunderbuss, or the like unusual Weapon, or the going armed in a Coat of Mail for any Person but a Soldier doth at this day. Yet no Man will say that now Swords are usually worn by all sorts of People, it is a breach of the good behaviour; and so that which heretofore was a Crime, by Custom now is become none. It is therefore the unusualness and the unaccountableness of the Circumstance makes it an Evidence, which cannot be assigned as a reason in the Overt Act mentioned.

Why the
Prisoner
refused to
ask Lord
Howard
any Ques-
tions.
Holloway's
Case.

The last thing I take notice of is, that Col. *Sidney* refused to ask the Lord *Howard* any Questions, from whence was inferred that he assented to the truth of the Matter sworn: but it is well known, 'tis no Prudence to ask a thorowpac'd Witness a question; in Mr. *Hamden's* Trial, his Counsel refused so to do for that Reason.

The next who fell a Sacrifice, according to *Colledge's* Prophecy, was *James Holloway*; he was outlawed and taken beyond Sea; and being induced with promises of Life to accuse himself of things (whether Guilty or not) enough to make good an Indictment of High Treason against him, it was indeed generously offered him that his Outlawry should be set aside, and he have the liberty to be tried, and defend himself as well as he could: but knowing that what he had said since he was taken would be brought in Evidence against him, he refused his Trial; and because he would not purchase his Pardon at the expence of innocent Mens Blood, by accusing others of what he did not know they were guilty (if his dying Speech is to be believed) he was executed.

I should not have mention'd this, but for the sake of the next Person's Case, which was Sir *Thomas Armstrong's*, who was outlawed for High Treason; when he was beyond Sea, he was taken and brought to the Kings-Bench-Bar.

Remarks

Remarks upon the Award of Execution against Sir Thomas Armstrong.

AT Common Law, if a Person was beyond Sea when an Outlawry was pronounc'd against him, it was an Error in Fact, for which the Outlawry was to be revers'd; and it is an Error in all Outlawrys but for High-Treason to this day. By the 6th of *Edward VI.* that Error is taken away in High-Treason, but there is a *Cases of reversing an Outlawry.* Proviso in that Statute, that if the Person outlaw'd shall within a Year after the Outlawry pronounc'd, yield himself to the Chief Justice of the *Kings-Bench*, and offer to traverse his Indictment, and on his Trial shall be acquitted, he shall be discharged of the Outlawry. Upon the Construction of this Statute, no Judgment was ever given that I know of; and the reason is, no Man outlaw'd was ever deny'd a Trial till this time, if he was taken within a competent Time. The reason of making that Statute was this; Men would commit Treason, and presently fly beyond Sea, and stay there till the Witnesses who should prove the Treason were dead; then return, and reverse the Outlawry for the Error of their being beyond Sea; and the Witnesses being dead, they were safe: and therefore this Statute takes away that Error in part, tho not in the whole, and doth in effect say, that the Person outlaw'd shall not have advantage of that Error, unless he comes and takes his Trial within a competent time, which that Statute limits to a Year after the Outlawry pronounc'd. *Nooutlaw'd Person ever deny'd his Trial.*

This being plainly the Sense of the Statute, it was Injustice to deny the Favour or Right of a Trial to *Sir Thomas Armstrong*, which was never deny'd any Person before nor since, where it was agreed that all the Witnesses against the Person accus'd were alive, as in *Sir Thomas Armstrong's* Case they were, barely upon the quibble of the word *render*, which in no Case that ever I read was differenc'd from *taken*, but in one Case, which is *Smith and Asbes* Case in *Cro. Car. 42.* in an Outlawry for Debt against Husband and Wife, which will not extend to, or warrant the Judgment in this Case: and if there were but a Doubt in the Case, as it cannot be deny'd there was, the Outlawry ought to have been wav'd, or at least Counsel for the Prisoner heard as to the Point. *The injustice of denying Sir Tho. Armstrong his Trial.*

It was a vain and unjust Reason (and only tending to incense the thing) assign'd by the Attorney, That the Prisoner was one who actually engag'd to go, upon the King's hasty coming to Town, to destroy him by the way; whereas the Prisoner offer'd to prove his Innocence in that and other Matters of which he was accus'd: and even that Objection against him was an Invention of the Attorney's for any thing appears; but then it was resolv'd to stop at nothing, and Success had made them fearless. *Fitzbarris* and *Colledge* 'twas own'd had hard measure, and that their Cases might be forgotten, their Quarters were buried; but *Sir Thomas Armstrong's* were expos'd, tho the Proceedings against him were equally as unjustifiable as in the other two Cases. *The Attorney General's unfair dealing with the Prisoner.*

Remarks on the Trial of Count Conningmark.

I Think fit to remember in the same Reign, tho before this time, one Case, to shew how the Courts of Justice were remiss or violent, according to the subject Matter.

Mr.
Thynne's
Murder
barbarous.
Ch. Justice
favourable
to the Pri-
soner.

All will agree, that the Murder of Mr. *Thynne* was one of the most barbarous and impudent Murders that ever was committed; and of that Murder Count *Conningmark*, tho he escap'd Punishment, was the most Guilty.

I do not complain that in that Trial the Chief Justice directed the Prisoner the way to make the King's Counsel shew the Cause of Challenge against the Persons call'd on the Jury, and challeng'd for the King, without any Reason, it was his Duty so to do; and he ought to have directed *Fitzharris* the same Method, which he did not: but he was blameable that he did not ask the *Lieutenant* and *Polander* what they had to say for themselves, which was always done before and since that time, and ought to be, which was an Injustice; and therefore two of the Prisoners at the time of their Sentences said, they were never try'd, tho I believe no great Injury to them, because they had little or nothing to have said for themselves.

The other
2 Prisoners
not askt a-
ny thing.

But if they had been askt, they would have said as they did before their Trials to the Justice of Peace who committed them, and as they did after their Condemnations, that Count *Conningmark* put them upon doing what they did, which might have influenc'd the Jury to have found the Count guilty, which was contrary to the Design of the Court; and it was for the same Reason the Chief Justice would not permit the Justice of Peace to read the Examination of *Stern* and *Borosky*.

Principal
and Acces-
sory try'd
together.

I do agree, that what they said before the Justice of Peace was not Evidence against the Count; I agree that the Count being indicted and try'd as Accessory, at the same time the Principals were indicted and try'd, the Principals could not be good Witnesses against the Count, because properly a Principal ought to be convicted before the Accessory be try'd: and therefore tho for Expedition both are try'd together, yet the Verdict always is and ought to be given against the Principal, before that of the Accessory.

But I deny what was in that Trial laid down for Law, that the Accessory being in the same Indictment with the Principal, must be try'd at the same time. It is true, the Count desir'd his Trial might be put off for two or three days, which the Court knowing what was best for the Count deny'd, and not for the above pretended Reasons; for an Indictment against many may be joint, and yet the Trials may be several: the truth is, in such Cases the Indictment is joint and several.

Suppose the Accessory, at the Trials of the Principals, had not been in Custody; will any Person say, that if afterwards he was taken, he can't be try'd upon that Indictment in which he was join'd with the Principals?

But besides a hundred Precedents not printed, there is the Case of *George Salisbury & al.* in *Plowden*, Fol. 100. where it was resolv'd, that tho an Indictment against many is joint, yet the *Venire* may be several against each Person, and consequently the Trials may be several; and if so, then the times of the Trials may be several: but that which is to be complain'd of is, that the Count in the Opinion of all Mankind at that time and since was the most guilty Man, yet the care taken to punish the less guilty, as *Sterne* and *Borosky*, was in order to let the most guilty escape; for I think both *Sterne* and *Borosky* might, and would have been good Witnesses against the Count if the Court would have permitted it: the Count might have been indicted as Accessory to *Wratts* only; for the Accessory to all the Principals is Accessory to every of them severally: and when the Court in their private Consciences were satisfy'd the Count was most guilty, they ought to have been cunning, *astati*, as my *Ld Hobart* calls it, to have brought him to Punishment. But 'twas said, *Sterne* and *Borosky* being indicted of the same Crime with the Count, they could not be good Witnesses against him, which I think is no more Law than Truth:

The Count
reputed the
Principal.

Truth

Truth it was not, for the Count was indicted as Accessory, the rest as Principals. But taking it that all were indicted and try'd as Principals for the same Fact at the same time, why is not the Evidence of the one good against the other? First, I think there is no express Resolution for that Point of Law, but a late Rule given at *Kingston Assizes* upon the Trial of a Maid and one *Saterwaite* for burning of an House; and therefore there is a liberty to examine by Reason how the Law is. I agree, if a Man is indicted and try'd for killing another, he shall not be admitted to say, *B.* did it by himself; but I think he may be a good Witness to prove that he and *B.* did it, that is to say, he shall not give any Evidence against another, which tends to acquit himself as well as accuse another; and I think he may give Evidence which accuses another of the same Crime whereof he is indicted, if it doth not tend to acquit himself.

For it is agreed on all hands, that being guilty of the same Crime, doth not disable a Witness; for then *Rumsey* and several Persons in the *Lord Russel's Plot*, as it was call'd, had not been good Witnesses. In the next place, the Circumstances of an Indictment against the Witnesses for the same thing he testifies against another, do not disable him; *Widdrington* was indicted for the same things, of which he gave Evidence against several others as his Complices in Robberies. Nay, the Law hath given somewhat more credit to the Evidence of a Person indicted, as a Witness of the same things against others, than it does to a Person not indicted; as in the Case of an Approver, which, as *Stamford* says, was a Person in Prison (not at large) for the Fact for which he was indicted, arraign'd upon an Indictment, or an Appeal of Felony, who before a Coroner assign'd by the Court, confesses himself guilty of the Felony of which he is indicted, and not of any other, and confesses other Persons, naming them as Coadjutors with him in committing the Crime of which he is indicted, and not of any other Crime; so much Credit shall be given to that Confession, that Process shall be made out against the Person peach'd, who, if taken, shall be arraign'd on that Approvement, as if an Indictment by a Grand Jury had been found against him: and if the Law gives so much Credit to an Approver, I think no Person can shew me a Reason why a Person indicted is not a good Witness against another for the same Crime.

How a Witness is disabled by being guilty of the same Crime.

It is true, *Stamford* says, if a King gives an Approver a Pardon, he is a good Witness; which implies, that otherwise he is not: But it must be consider'd, that the reason of that is, that an Approver being indicted, as he always is, and confessing the Indictment, is convicted, and a Person convicted of Felony cannot be a Witness till pardon'd. But it will be no Argument why *Sterne* or *Borosky* had not been good Witnesses against the Count before they were convicted; and it was a like Piece of Justice, that whereas the Count was the most guilty, he was acquitted.

A pardoned Approver a good Witness.

Wrats being the next greatest Offender, was honourably interr'd, and *Sterne* and the *Polander*, who were the least Offenders in that Matter, were hang'd in Chains.

It was somewhat like the *New-England Law*, remembred by *Hudibras*, of hanging an useless innocent *Weaver* for an useful guilty *Cobler*.

Remarks on Mr. Cornish's Trial.

Circum-
stances of
Cornish's
hard Fate.

THERE yet remain two Persons Prosecutions to speak of, the one is Mr. *Cornish*, who was taken the — of *October* 1685. and was arraign'd on an Indictment of High-Treason the Monday after, for conspiring to kill the late King *Charles* the Second; and knowing *James* Duke of *Monmouth*, *William* *Russel* Esq; and *Sir Thomas* *Armstrong* to be Rebels and Traitors, promis'd to be assisting to them in their Treasons: To which he pleaded Not Guilty. He desir'd to put off his Trial, because he had no notice till the Saturday before at twelve a Clock, and he could get no Friend to come to him till eight a Clock at Night, and then he was permitted to speak with no body but in the presence of the Goaler; he had been allow'd no Pen, Ink, or Paper. He was told by the Court he ought not to have it, without leave given on a Petition prefer'd by him, and that he was taken Tuesday before, which to that time was almost a Week. He said his Children had petition'd the King the Night before to put off his Trial, and it was refer'd to the Judges; he did not know whether he was committed for High-Treason against the present, or the former King, and he had a material Witness an hundred and forty Miles off; but was told by the Court, they had no Power to put off his Trial. It is true, they said the Lord *Russel*'s Trial was put off to the Afternoon (which was not true) but that was a Favour which could not be challeng'd by another Person as a Right. He complain'd he had not a Copy of the Pannel, but was answer'd it was not his Right to have it. Then the Attorney said, he had not deserv'd so well of the Government as to have his Trial delay'd, and therefore he was presently try'd.

King's
Counsel
bear hard
upon him.

Rumsey's
Evidence.

Rumsey swore, that about the latter end of *October*, or beginning of *November*, the Earl of *Shaftsbury* desir'd him to go to Mr. *Sheppard*'s House, where was a Meeting of the Duke of *Monmouth*, Lord *Russel*, Lord *Gray*, *Sir Thomas* *Armstrong*, Mr. *Ferguson*, and Mr. *Sheppard*; he came late, and they were just on going away; he deliver'd his Message, and they told him that Mr. *Trenchard* had disappointed them: he had not been there above a quarter of an hour, but Mr. *Sheppard* was call'd down, and brought up Mr. *Cornish*, and told them Mr. *Cornish* was come, who came into the Room, and excus'd his not coming sooner, and that he could not stay, for he was to meet about the Charter; whereupon Mr. *Ferguson* open'd his Bosom, and under his Stomacher pull'd out a Paper: they told Mr. *Cornish* they had had it read, and desir'd to read it to him: Mr. *Ferguson* read it, Mr. *Sheppard* held the Candle while it was reading, and afterwards they ask'd Mr. *Cornish* how he lik'd it; who said, he lik'd it very well: he remember'd two Points in it very well, the one was for Liberty of Conscience, the other was, that all who would assist in that Insurrection, who had Church or Kings-Lands in the late War, should have them restor'd to them. He did not hear all the Paper, and observ'd only these two Points, it was a Declaration on a Rising, and when the Rising was to have been, it was to have been dispersed abroad; there was a Rising intended at that time, and Mr. *Cornish* said, he lik'd the Declaration, and what poor Interest he had he would join with it. He had great dealings with Mr. *Cornish*, and Mr. *Cornish* was a very honest Man, it was out of Compassion he had not accus'd Mr. *Cornish* before.

Good-
enough's
Evidence.

Mr. *Goodenough* said there was a Design to rise in *London*, and for that purpose to divide the City into twenty parts, and to raise five hundred Men out of each part, to take the *Tower*, and to drive the *Guards* out of Town. Before that was agreed on, he being by chance at Mr. *Cornish*'s House, said, the Law will not defend us; some other way was to be thought on. Mr. *Cornish* said, he wondred the City was so unready, and the Country so ready: Mr. *Goodenough* reply'd, there is something thought of to be done here, but in the first place the *Tower* must be seiz'd, where the Magazine is; Mr. *Cornish* paus'd a little, and said, I will do what good I can, or what I can, or to that purpose, he said.

He

He afterwards met Mr. Cornish on the Exchange, who ask'd him how Affairs went, and this was in Easter Term 1683. He had some Matters with Mr. Cornish about managing the Riot, which was brought against him, Mr. Cornish, and others: He came to Mr. Cornish's House about the business of the Riot, and no Person was by at the discourse. Mr. Gospright testify'd for Mr. Cornish, that he oppos'd Mr. Goodenough's being Under-Sheriff, and said he would not trust an Hair of his Head with him, he was an ill Man, obnoxious to the Government, and had done ill things, and he would not trust his Estate and Reputation in the Hands of such an Under-Sheriff; and he believ'd Mr. Goodenough and Mr. Cornish were never reconcil'd. Mr. Love, Mr. Jekil and Sir William Turner testify'd to the same purpose; Mr. Lane spoke out of the printed Trial of my Lord Russel, and said Rumsey in that Trial said he did not hear the Declaration read, for it was read before he came. Dr. Calamy said, Mr. Cornish did often come to Church, and receive the Sacrament; Mr. Sheppard said he was subpoena'd by the King, and by Mr. Cornish the Night before; and that Mr. Cornish his Son was with him the Afternoon of the day before, who prest him to be at the Trial the next day; that there were Accounts depending between him and Mr. Cornish, whereon there was about one or two hundred Pounds due to Mr. Cornish, and Mr. Cornish's Subpœna was serv'd first upon him. At one of those Meetings at his House, Mr. Cornish came to speak a few Words with the Duke of Monmouth or some other, he could not be positive in that, it was so many years ago; he did not stay above half a quarter of an Hour in the House; Sheppard came up Stairs, and went out with Mr. Cornish, and there was not one Word read, nor no Paper seen while Mr. Cornish was there: he remembred there was a Declaration read, Ferguson pull'd it out of his Shoe: he could not tell whether Mr. Cornish was at his House the Night the Declaration was read, but he was positive no Paper was read while Mr. Cornish was there, for Mr. Cornish was not look'd on to be one of the Company: he did not know who Mr. Cornish came to speak with, when he came to his House; Mr. Cornish was but once at his House when the Duke of Monmouth was there: he did not remember that Mr. Cornish was in the Company when Rumsey was there: he said, he had attended the Court from eleven a Clock till half an Hour past three.

Gospright's Evidence for the Prisoner.
Other Evidence for the Prisoner.
Mr Sheppard's Evidence.

This being the Sum of the Evidence given in the Trial for and against the Prisoner, let us see whether those Inferences could be made from it as were made by the Court and Counsel: and whether on the whole an honest Jury, tho but of little understanding, could have found him guilty of the Treason in the Indictment.

It is agreed on all hands, that a petty Jury may and must consider the Credibility of a Witness (tho in the Lord Shaftsbury's Case it was said a Grand Jury ought not so to do) and if so, surely Rumsey was not a credible, tho he was not a disabled Witness, no more than a Man who owns himself to be a Man of Falshood, a profligate Wretch, and perjur'd by his own Confession, tho not convicted of it; he had notoriously confessed himself guilty of High-Treason, and of being in the Design of an intended barbarous Murder; he had sworn in the Lord Russel's Trial, he had nam'd all the Persons at the Meeting he spoke of, of which Mr. Cornish was none; and being taxt in this Trial with it, he excuses his Perjury with Compassion to the Prisoner, which was mean, foolish and contradictory: he perjur'd himself to save the Prisoner, and then swore Truth to hang him. He had not presence of mind enough to excuse himself in the manner a Witness in the Lord Russel's Trial did, that his God, his King and his Country put him unwillingly to act that part: besides that in the Lord Russel's Trial, Rumsey swore he was not at the reading the Declaration, and contradicted Sheppard, who swore he thought he was there.

Rumsey's Evidence disprov'd.
Guilty of Perjury.

But that passage was prov'd only by a Witness who had read it in the Trial, which I confess in strictness of Law is not Evidence; nor if the Witness had said, he heard Rumsey swear so at the Lord Russel's Trial, it had not been Evidence, unless a Record of that Trial had been produc'd in Court, which was not done. But all those things being but mere Circumstances, shew the Injustice of speeding his Trial, and denying him Counsel: Would not any Counsel have told him that in strictness of Law a Passage in a printed Trial was not Evidence, and was it not easy for him to have got a Witness to have said that he had heard Rumsey swear so at that Trial? were not all the Judges who sat upon him, and all the King's Counsel who were against him, present at the Lord Russel's Trial, and perfectly remembred what Rumsey then swore as to the pretended Declaration, and might he not have subpoena'd them to have testify'd that Matter? Nay, was it not their Duty to have done it even without a Subpœna?

Contradiction betwixt Rumsey and Sheppard.

To say it was against the King, and therefore they could not do it; or they were in the Commission to try him, and therefore they could not do it, is neither Law nor Reason. Every Man knows that a Judg in a civil Matter try'd before him, and a Counsel even against his Client, has been enforc't to give Evidence (provided it be not of a Secret communicated to him by his Client) for in that particular a Judg ceases to be a Judg, and is a Witness; of whose Evidence the Jury are the Judges, tho he after re-assume his Authority, and is afterwards a Judg of the Jury's Verdict.

A Judg
when sued
ceases to be
a Judg.

A Judg may sue, and must be sued in his Court, but in that Case he ceases to be a Judg and is a Suitor, tho he re-assumes his Authority in all other Matters: and if it be so in civil Matters, let any Man shew me a Reason why the Law is not so in criminal Matters; there is no express Law against it, and it will be absurd in Reason to say the Law is not so; for at that rate the King may put any Witness, he knows the Prisoner intends to produce for himself, into the Commission for trying him, and so deprive the Prisoner of the Benefit of his Evidence; as in this Case *Sheppard*, whose Evidence ought to have been of great use (as shall be shewn) tho it was not of any Avail to the Prisoner, might have been put into the Commission to have try'd Mr. *Cornish*, for he was as much qualify'd for it, as Sir *James Smith* then Lord Mayor, or any Judg upon the Bench: and if they might have been Witnesses for the Prisoner, if *subpœna'd*, they might have been Witnesses for him even without asking; and it was a Duty incumbent on them, tho not as Judges, yet as Christian Men, so to be.

Humanity commands the Discovery of Truths, which prevent the shedding innocent Blood; and Christianity commands a Man to do as he would be done by. I think the Question need not be ask'd what they would have had done, if it had been their Case.

All Law
Matters
should be
publick.

The Reason that all matters of Law are, or ought to be transacted publickly, is, that any person, unconcern'd as well as concern'd, may, as *amicus Curiae*, inform the Court better, if he thinks they are in an Error, that Justice may be done: and the Reason that all Trials are publick, is, that any Person may inform in point of Fact, tho not *subpœna'd*, that Truth may be discover'd in civil as well as criminal Matters.

There is an Invitation to all Persons, who can inform the Court concerning the Matter to be try'd, to come into Court, and they shall be heard. It is true, if the Judges or any Person had testify'd what *Rumsey* said at my Lord *Russel's* Trial, it had not been Evidence without the Record of the Trial; and it is as true, that neither the Record, nor a true Copy of it could have been procur'd between Mr. *Cornish's* Commitment, if it were on *Friday* (as I have heard it was) tho the Court said it was on *Tuesday*, much less between the notice of his Trial which was *Saturday-noon*, and the time of his Trial which was *Monday-morning*.

Injustice in
speeding
Mr C's
Trial.

But then what Justice was there in speeding his Trial, so as to deprive him of the Circumstances of his Defence? for that was but a Circumstance, and not an essential Matter. And what account can be given why the Court, when they were well satisfy'd that it was in the Prisoner's power to procure such a Witness, and such a Record, did not stay till he did it? or if it would be too long in doing, why should they not have put off the Trial for that time, and given the Prisoner a convenient time to do it?

The first in civil Matters hath been frequently done, when a Deed or Witness hath been wanting, if it could be done in a convenient time, and a Trial has been put off before it came on, tho after it came on they have not done it, because there is no great Mischief in that, for either Party hath Power to bring it about again; but not so in capital Matters, and therefore Jurys in capital Matters have been frequently discharg'd after sworn, where the Evidence hath been defective.

When a
Jury can-
not be dis-
charg'd
without a
Verdict.

It is true, my Lord *Coke* saith that a Jury once charg'd with a Prisoner cannot be discharg'd but must give their Verdict; but it is as true that he says so in favour of the Prisoner, that when the Evidence against him appears defective, he shall not be continued a Prisoner till more Evidence can be found, or procur'd against him, tho the Practice of late days hath been quite contrary, viz. to discharge the Jury where the Evidence against the Prisoner hath been defective, but enforce them to give a Verdict where the Prisoner's Defence hath been defective, tho to their Knowledg if he had longer time to do it, he had been able to produce the Witnesses who could clear him, but by what Law or Reason I am to seek. Yet I confess, if *Rumsey's* owning his Perjury in the Lord *Russel's* Trial, in the very point sworn against the Prisoner, and so frivolously excusing it, would not discredit him, I know not that any Record, Witness, or Evidence would have avail'd Mr. *Cornish*.

And

And add to *Rumsey's* contradicting himself, that *Sheppard*, who never contradicted himself, and had been a Witness in both Trials, agrees, that what *Rumsey* had sworn in my Lord *Russel's* Trial as to Mr. *Cornish's* not being there, was true.

But admitting *Rumsey* had never perjur'd himself, but was of equal Credit with *Sheppard*, yet when they contradicted each other in a point, which carried no probability or improbability with it, in a capital Matter the Jury ought to believe in *favorem vitæ*; for it makes the matter at least doubtful: and therefore the Jury ought to have acquitted the Prisoner, for a reason in Law, and which was given in Col. *Sidney's* Trial (tho shewishly) by the Court, viz. that it is better that 20 Nocents should escape than one Innocent suffer.

Doubtful matters to be construed in the Prisoner's favour.

But to pass from the credibility of the Witness to the matter of his Evidence, this was the second time that this sort of Evidence in any Case Criminal or Civil was permitted to be given in Evidence; and there are the same Exceptions to it, as are above assign'd to the Evidence of *Sheppard*. As to the Declaration in my Lord *Russel's* Trial, if a true Copy of part of a Deed or Writing was never yet permitted to be given in Evidence, much less hath or ought the purport of part of a Writing to be given in Evidence, especially when such a reason is given why the Witness remembered but part of it, as is given by *Sheppard* in my Lord *Russel's* Trial, and by *Rumsey* in this Trial, viz. that he did not hear all the Paper read.

And surely *Goodenough* could no way fortify *Rumsey's* Evidence, being clearly of another matter, and that so very uncertain that no heed ought to have been given to it. When *Goodenough* told Mr. *Cornish* something ought to be done in the City, but in the first place the *Tower* ought to be seized, to which he answered he would do what he could, or what good he could, these words may as well relate to *Goodenough's* precedent discourse, where he complains that the Law would not defend them tho innocent, as well as to the seizing the *Tower*; and if they should refer to the last, yet they may well enough be interpreted, that he would do what he could, or what good he could, to prevent the seizing the *Tower*: and if they are capable of two Senses, they ought to be interpreted in the best for the Prisoner.

Instanc'd in Mr. C's Case.

Besides, the Words are spoken not as a thing designed, but as a matter without which all other matters were in vain, and might be mere matter of discourse, as was that between *Blague* and *Mate Lee* about taking the *Tower*: and if there was such a Design on foot, it doth not appear that Mr. *Cornish* was ever acquainted with it. The same may be said as to what he asked *Goodenough*, when he ask'd how Matters went: may not those words well enough be applied to the business of the Riot, *Goodenough* managed for Mr. *Cornish* and others? And if what *Goodenough* said was Evidence of a Design of seizing the *Tower*, that as well as the Treason against the Guards was Treason by the Act of the late King, and not by the 25th of *Edward the Third*, if it be true Doctrine which was laid down in the Charge to the Earl of *Shaftsbury's* Grand Jury: and if so, he ought to have been prosecuted for it within six Months, and indicted within three Months, if the Doctrine in *Colledge's* Trial be true; and yet this Design, if true, was in *Easter Term* 1683. and the Prosecution not till *October* 1685.

There was yet one piece of Evidence urged against him, viz. of his own Witness *Sheppard*, who positively testified for him as to the main, yet in a Circumstance seem'd to testify against him, which was Mr. *Cornish's* being at his House when the Duke of *Monmouth* and the rest were there, when the Declaration was read; and upon that piece of Evidence, as if it had contradicted what Mr. *Cornish* said before, there was a mighty Triumph: whereas the most that could have been made of it was that Mr. *Cornish* in part of his Defence was guilty of an untruth, and even that was not so in Fact; for being charged to have been at *Sheppard's* the Night the Declaration was read, he answered he was never at a Consult in his Life, he never was at *Sheppard's* in any Consult, he never was there with my Lord *Russel*, as he remembered; he had been at *Sheppard's* several times, but never liked *Ferguson* for his Morals, and therefore never liked to be in his Company, and he did not know but that he might enquire for the Duke of *Monmouth* in other Places, and this is all Mr. *Cornish* says to that matter.

No real contradiction between *Sheppard's* Evidence and what the Prisoner said.

Sheppard says, Mr. *Cornish* came into his House at one of the Meetings to speak with the Duke of *Monmouth* or some other, he could not be positive in that, it was so many Years ago, and did not stay half a quarter of an hour; he could not say it was the night the Declaration was read; he did not know whether Mr. *Cornish* came

came to speak with the Duke of *Monmouth* or not; he could not remember whether Mr. *Cornish* was there in Company when *Rumsey* was there; there were not above three Persons there when Mr. *Cornish* came, which was the Duke of *Monmouth*, Mr. *Ferguson*, and he could not tell whether the other was the Lord *Russel*, or the Lord *Gray*.

Effrontery
of the Court
and King's
Counsel.

Now it would be hard to find out the Contradiction between Mr. *Cornish*'s Sayings and *Sheppard*'s Evidence; both agree that Mr. *Cornish* hath been often at *Sheppard*'s House, and neither denies or affirms that he was or was not there the Night the Declaration was read, for a good reason, which was, that Mr. *Cornish* knew nothing of it, and *Sheppard* knew not which of the Nights he was there: Mr. *Cornish* said he was not there with my Lord *Russel* as he remembered, and *Sheppard* doth not affirm he was there with the Lord *Russel*; *Sheppard* says he was there when the Duke of *Monmouth* was there, and Mr. *Cornish* doth not say that he was not there with the Duke of *Monmouth*; *Sheppard* said, he spoke to the Duke of *Monmouth*, or some other Person, but he thought it was the Duke of *Monmouth*, which is no direct Affirmation that he spoke to the Duke; and Mr. *Cornish* doth not say, he did not speak to the Duke of *Monmouth*. So that if the Account of the Trial, set out by the Authority of, and signed by *Thomas Jones*, be true, I cannot see any manner of Contradiction between Mr. *Cornish* and *Sheppard*: and therefore, as the Court and King's Counsel did infer, that *Sheppard*'s Evidence, who positively denies the Truth of *Rumsey*'s Evidence, was so far from invalidating, that it corroborated *Rumsey*'s Evidence, and cleared the thing which was before somewhat dark, beyond all manner of Contradiction, is a piece of effrontery; so admitting *Sheppard* had said Mr. *Cornish* was at his house the night the Declaration was read, and had contradicted Mr. *Cornish*, is it a necessary Consequence, that he heard the Declaration read, and promised his assistance to it? which must be the inference, if it must support *Rumsey*'s Evidence.

Probable
Consequences
ought
not to con-
vict in
Treason.

If it be not a necessary Consequence, but a probable one, that ought not to weigh with a Jury, to convict a Person of a capital Crime, especially not of Treason. The Statute of *Edward* the Third says, probably Convict, that is, says my Lord *Coke*, convicted upon direct and manifest Proof, not upon probable conjectural Presumptions, or Inferences, or Strains of Wit: And to say truth, when Verdicts have been given on such Evidence, they have been often faulty.

Instances
to prove it.

To give some Instances of many, it is remembered in our time where Persons were convicted of the Murder of a Person absent, but not dead, barely by Inferences upon the Evidence of foolish Words and Actions; but the Judge before whom it was tried, was so unsatisfied in the Matter, because the Body of the Person supposed to be murdered was not to be found, that he reprieved the Persons condemned; yet in a Circuit afterwards, a certain unwary Judge, without inquiring into the Reasons of the Reprieve, ordered Execution, and the Persons to be hanged in Chains, which was done accordingly, and afterwards, to his Reproach, the Persons supposed to be murdered appeared alive.

My Lord *Coke* relates a like Story in his Time, of an Uncle who beat his Niece that had an Estate, which on her Death would descend to him; the Girl was heard to cry, good Uncle do not kill me; after which she ran away, and conceal'd her self some few Miles from *London*: the Girl being missing, and the Neighbours remembering the Cry of the Girl, and tacking it to the Probability that the Uncle might be induced, for his Advantage, to murder his Niece, apprehends him, and he was indicted for it at the Sessions; and the Judges being unsatisfied in the Evidence, by reason the Body of the supposed murdered Girl did not appear, the Uncle saying that she was run away, they gave him time to the next Sessions to find her out, which he being not able to do, thought to defend himself by producing another Girl very like his own Niece, which he did accordingly; and being detected, it increased the Suspicion, and by Inferences from all those Circumstances, he was convicted, and afterwards executed.

Some Years after which the Girl appeared, and claimed her Estate: and therefore it is a most dangerous and unwarrantable thing for a Jury, in capital Matters, especially in Treason, to convict a Person upon the Evidence of Probabilities.

As the Evidence in this Case against the Prisoner was weaker than in any of the precedent Cases, so the usage of the Prisoner was more rigorous than in any of them:

them: in all the other Cases, the Prisoners had more Weeks allowed them to prepare for their Trials, than this Person had Days; all the other Persons, after notice of Trial, were permitted to have Friends, nay Counsel, freely come to them, and confer with them in private, without the presence of a Goaler, which was denied this Person; all the others, except Col. Sidney, had soft Words given them on their Trials, but this Person was rudely handled.

The Prisoner's usage harder than others.

How often was he snub'd and bid hold his Tongue? How often did he beg the Patience of the Court, to hear him and his Witnesses? and when he was heard, how was all he said ridicul'd? and if he said he was innocent, he was bid remember my Lord *Ruffel* said so to his Death; when he said he was as innocent as any Person in the Court, he was told, for all his Confidence few believed him. If he said the Matter sworn against him was improbable (which hath been taken for a pretty good Topick for the disbelief of a Matter testified) how is it ridicul'd by *Improbability, Improbability, Improbability*? If he go to prove he is an honest Man, he is told that is all Appearance. If he says he employed *Goodenough* about the Riot, he is told that is a Branch of the Plot. If he call Mr. *Gospright* as a Witness for him, the Witness is reproached with having helpt the Prisoner in packing Juries: If he call one to prove he received the Sacrament, he is told, that was in order to qualify himself to be a Sheriff. And as was his usage before and at the Trial, such was it afterwards: to order him to be tied when he was sentenc'd, was an Indignity not used to Persons of his Quality; a thing indeed permitted, not commanded to be used, on boistrous Criminals, who may be suspected to do a sudden Mischief, if their Arms were at liberty.

Was often snub'd and ridicul'd.

Of like kind was the Reproaching him with the Chearfulness of his Countenance at his Condemnation: and that it might be all of a Strain, his Quarters were exposed, a Severity us'd to none abovemention'd, but Sir *Thomas Armstrong*. In all these Trials *Colledge* made the best Defence, and perhaps, the Circumstances considered, the best Defence ever made upon an Indictment of a Capital Matter: and Mr. *Cornish's* was the weakest, tho it signified nothing; for I believe that none who reads his Trial, but will plainly see he was so beset, that the Defence he, or any for him could make, would have availed him nothing; and no Account can be given for the Proceedings against Mr. *Cornish* in the above manner, but that some of the Judges, whereof three of them were then on the Bench, had been newly come out of the *West*, where they had been so flusht and harden'd, that nothing seemed to them Rigorous or Cruel, and the rest seemed to vie with them in the Practice.

Was reproach'd.

His Defence but weak.

Remarks on Mr. Bateman's Trial.

The
Grounds of
his Prose-
cution.

THE last Person who concluded the Tragedy, was one *Charles Bateman* a Chirurgeon: His Demerits were, that he had been, or at least was reputed to have been Chirurgeon to the Earl of *Shaftsbury*, and one whom his Lordship had a kindness for; and therefore, according to the Cant of the Time, he was call'd a *Factionous Fellow*; and he had reviv'd the Memory of his Demerits, by attending when *Oates* came from his Whipping, and letting him Blood. Whether either of those Circumstances were true or not, I know not, but they were believ'd; and therefore the 9th of *December* 1685. he was indicted and try'd for High-Treason. On his Trial he seem'd to be distracted, and therefore out of abundance of Charity, the Court appointed his Son to make his Defence for him.

The Evi-
dence gi-
ven.

The Witnesses against him were *Keeling*, who only spoke of a Design in general, without mentioning *Bateman* to be concern'd in it. *Thomas Lee* and *Richard Goodenough* swore, at several Times and Places, his discourse to them severally, of seizing the *Tower*, *City* and *Savoy*. *Baker* for the Prisoner said, *Lee* in the Year 1683. would have had him insinuated himself into the Prisoner's company, and discourse about State Affairs, and by that he would find a way to make *Baker* a great Man. Upon the Evidence the Prisoner was found guilty. Against *Goodenough's* Evidence there is only this to be said, that he was pardon'd but so far only, as to qualify him to be a Witness, tho not a very credible one; not only the Guilt sticking to him, but even the Punishment of what he had then lately done hanging over his head: and what was said for some time, of all the Witnesses for the King at that time, and for some time before, was true, they hunted like Cormorants with Halters about their Necks, tho even that Matter by one of the King's Counsel was boasted to the Jury as a Circumstance of more Credibility; for he assur'd them there was not a Witness which he produc'd had a Pardon, as the Witnesses in the Popish Plot had. 'Tis true, in the Popish Plot, upon very good reason, the Witnesses having confess'd what they pretended to know, of Matters in which they had a hand, it was not thought proper to use them as Witnesses, tho they had us'd them as Informers, till they were pardon'd, lest it might happen to be, or at least it would have been suspected, that the Terror of the Punishment of the Crimes confess'd might influence them to swear falsely to the jeopardy of other Mens Lives to save their own, which, as the Lord *Howard* truly said, was the drudgery of Swearing.

Goode-
nough's
consider'd.

Lee's con-
sider'd.

But to *Lee's* Evidence, besides the Evidence of *Baker* against him, that he would have procur'd *Baker* to have been a Witness against the Prisoner, and enticed him with the promise of making him a great Man; and besides that it appears in *Rouse* his Trial, that *Rouse* and he were upon the Trepan with each other, to bring each other into the pretence of a Plot, in order to make some advantageous discovery of it, of which *Lee* got the start of *Rouse*; the Objection which was made to his Evidence, Why *Lee* had not accus'd the Prisoner sooner, there being near three Years between the pretended Design and the Discovery of it, was never satisfactorily answer'd. It was a foolish story to say *Goodenough* could not be had before, and a single Testimony in High-Treason was not sufficient: Every one knows, that tho a single Witness is not enough to convict a Man of High-Treason, yet a single Person's Testimony is enough to commit a Person accus'd, and upon Conviction on the Testimony of a single Witness, to make him a Prisoner for his Life, witness Mr. *Hamden* and others, besides the subjecting him to other corporal Punishments inflicted at discretion, witness Mr. *Johnson* and *Oates*; and in 1683. when the words were pretended to be spoken, *Bateman* had not been spared if accus'd. And tho it be a good Reason for the Court to have given why they did not proceed against the Prisoner till that time, because there were not two Witnesses against him, yet it was no reason for *Lee* why he did not accuse the Prisoner before that time, especially he having been several times before that examin'd, not only of what he knew, but of what Persons he knew concern'd. But to say truth, *Lee* in the Trial did not pretend to answer the Objection, but the Court in the manner before endeavour'd to answer it for him.

The

The last Matter observable in this Trial, was the permitting *Bateman's* Son to make his Father's Defence, which was an extraordinary unparallel'd favour, it was the first and last time that, or any thing like it, had been done; the Lord *Russell's* Lady indeed was permitted to take Notes at the Trial for her Lord, but he only was permitted to make use of them. *Fitzharris* his Wife when she but whisper'd her Husband, or but told him what Jurors he should challenge, and what not, was severely corrected, and threatned to be thrust out of Court, for doing it in prejudice of the King. In *Colledge's* Trial, he was told that Persons that advis'd a Prisoner in Treason, even before a Trial, were guilty of a high Misdemeanour; nay, a Solicitor had been indicted of High-Treason for it: and therefore nothing can excuse the allowing the Prisoner Counsel in matter of Fact, as was done in this Case (it is not material, whether the Son was a Barister at Law or not) but the weakness of the Prisoner, who to all appearance was mop'd mad.

The Prisoner's Son allow'd to plead for him.

The Prisoner mop'd mad.

But the Court by excusing their Favour upon that account incurred a worse Censure; for nothing is more certain in Law, than that a Person who falls mad after a Crime suppos'd to be committed, shall not be try'd for it; and if he fall mad after Judgment, he shall not be executed: tho I do not think the reason given for the Law in that Point will maintain it, which is, that the End of Punishment is the striking a Terror into others, but the execution of a Madman had not that effect; which is not true, for the Terror to the living is equal, whether the Person be mad or in his Senses; and that is the reason of breaking the Person executed for Treason, and exposing his Quarters, which is done rather to deter the living, than for punishing the dead. But the true reason of the Law I think to be this, a Person of *non sana Memoria*, and a Lunatick during his Lunacy, is by an Act of God (for so it is call'd, tho the means may be humane, be it violent, as hard Imprisonment, terror of Death, or natural, as Sickness) disabled to make his just Defence, there may be Circumstances lying in his private Knowledg, which would prove his Innocency, of which he can have no advantage, because not known to the Persons who shall take upon them his Defence; and that is the reason many civil Actions die with the Persons against whom they lay in their Life-times, and that is the reason why in criminal Matters, Persons by ordinary course of Law cannot be convicted after their deaths.

A madman incapable of being try'd.

The reason why.

For in all civil Actions there is as much reason for the Person injur'd, to have satisfaction out of the Estate of the Person who injur'd him, in the hands of his Heir or Executor after his death, as there was to have it out of the Estate of the Injurer in his own hands in his Life-time: and there is as much reason that the Heir or Executor of a Person who hath committed a Crime, which by Law would have forfeited his Estate, if in his Life-time he had been attainted of the same, should forfeit the Estates they claim from him, as if he had been attainted in his Life-time, which had prevented the said Estates vesting in them. And it hath been sometimes practis'd, where the Crimes of the Persons deceas'd have been notorious; and without any doubt, as was the Case of several Persons mention'd in the Act of Pains and Penalties; which Act had Example from many other Acts of Parliament in other Reigns, where the Persons were dead before Punishment overtook them.

The parallel in civil Matters.

And tho of late Years it hath been pretended, that the King's Safety depends upon the speedy Trial and Execution of a Person guilty of High-Treason; yet this was never thought so heretofore, nor in truth in it self is so: for it is plain, in Reason as well as Experience, that what is said of Witches is true, of all Malefactors when once they are in Custody, their Power of doing Mischief ceases.

If the King's safety requires speedy execution on Criminals.

The King is therefore no otherwise benefited by the destruction of his Subjects, than that the Example deters others from committing the like Crimes; and there being so many to be made Examples of, besides those on whom the misfortunes of Madness falls, it is inconsistent with humanity to make Examples of them; it is inconsistent with Religion, as being against Christian Charity to send a great Offender quick, as it is stil'd, into another World, when he is not of a capacity to fit himself for it. But whatever the reason of the Law is, it is plain the Law is so; and for remedying it in High-Treason, was the 33d of *Henry* the Eighth made, whereby it is enacted, That if a Man fall mad after he hath committed High-Treason, he shall notwithstanding be try'd in his absence; and if a Man fall mad after he is attainted of High-Treason, he shall notwithstanding be executed. Which Statute extending only to High-Treason, the Law continu'd, and yet is as it was at Common Law in all other capital Matters; and even that Statute was call'd a cruel and inhumane

Execution is to deter others.

The Law about madmen guilty of Treason in Hen. 8. Time.

Censur'd & repeal'd. inhumane Law, and therefore liv'd not long, for it was afterwards repeal'd: so that the Law as to this Matter, when this Man was try'd and executed, was as it was at Common Law; and therefore if he was of *non sana Memoria*, he ought not to have been try'd, much less executed.

Objections answer'd. I know it will be objected, that if this Matter of *non sana Memoria* should be permitted, to put off a Trial or stay Execution, all Malefactors will pretend to be so: But I say there is a great difference between Pretences and Realities, and *sana* and *non sana Memoria* hath been often try'd in capital Matters, and the Prisoners have reap'd so little benefit by their Pretences, it being always discover'd, that we rarely hear of it. In this Case the Prisoner might have been try'd as well absent as present, according to that repeal'd Statute, for any advantage he did or could reap by being present: and it seems very probable the Court thought him distemper'd; for if he was of sane Memory, his Son ought not to have been permitted to make his Father's Defence; if he was distemper'd, he ought not to have been try'd, much less executed.

The Prisoner being mad, ought not to be try'd or executed. And this Person being the last Man, as far as I can remember, or can find by the printed Trials, who suffer'd for the Plot of High-Treason first set on foot by *Fitzharris*, and carry'd on against *Colledge*, and the other Persons herein mention'd; and the Design stopping here, I think fit to end my *Remarks* on the Proceedings of all Capital Matters with him. But I think it is fit for me to make some Apology for the thing, and for my self, for taking on me to censure the Opinions and Actions of Persons whose Characters carry'd Authority with them. I confess I never thought that either the great Seal or a Garment added to a Man's Sense, Learning or Honesty; but he remain'd just such as to those Qualities after his preferment as he was before: and as to many of the Persons reflected on in these Remarks, the Censure of *Col. Sidney* was true; and for the best of them, it is plain they not only vary'd from one another in their Opinions, but even from themselves in the Judgment of the same Case, but always tending to the destruction of the Person try'd for his Life, witness the Opinion of the Court in the Challenge of Jurors not having a Freehold, and the designing to levy War not Treason within the Statute of *Ed. 3.* and forty other Matters. And that not only gives a liberty to enquire, but naturally puts one upon the enquiry which of the two Opinions is right; tho it is impossible for one not to think meanly of the Person, who in so great a Concern as a Man's Life, should be so rash as to give his Opinion without consideration, or so unsteddy as to give different Opinions in the same Case: for if the Truth of a Man who tells History backward and forward, is justly suspected in point of Truth, the knowledge and sincerity of a Man, who gives different Opinions in the same Case, is justly suspected in point of Law, which together with the fulsom, but injurious stuff vented for Crown-Law, was the first Matter which put me on considering and writing what I have done.

The different Opinions of the Court in the same Case, censur'd.

Why the Author undertook this Work.

His Apology for himself.

And for my self, if *Tully* thought it a Reproach to his Son if he did not abound with Philosophy, having heard *Cratippus* for the space of a whole Year, and that at *Athens*; surely one who hath had his Education at one of the three great Schools for some Years, and afterwards at the University, and lastly twenty five Years constant residence in an *Inns of Court*, and twenty Years attendance at *Westminster-Hall*, and not diverted by the usual Employments of a *Solicitor* or *Attorney*, may be allow'd without the imputation of Confidence to give his *Censure*, upon Consideration, on the *extempore* Judgments or Opinions of Persons, tho of greater Standing and Character than Himself.

An

An Answer to the late King James's Declaration to all his pretended Subjects in the Kingdom of England.

Dated at Dublin-Castle, May 8. 1689.

Order'd by a Vote of the Right Honourable the House of Commons, to be burnt by the Common-Hangman.

WHEN one reflects upon the continued Conduct of the late King James, both before and after his Accession to the Crown, and the dismal Consequences thereof to these three Kingdoms, and at last to himself; I cannot but regret the Fate of those Princes that abandon their true Interest, Reason, Conscience and Honour, to Jesuitick Counsels, and enslave themselves to a Party, justly abominated by the better part of the Romish Church it self, for their gross Encroachments upon Religion, Morality, and all that's Sacred among Men. When I look back to the many Tragedies acted by that Fraternity, both in this and the last Age, scarce a Kingdom or State in Europe where their Villanies have not come up to the utmost reach of depraved Nature. When I call to mind the horrid Desolations, Murders and Wars they have been instrumental of, in the most remote parts of the World; witness some Millions of Souls in Japan, and other parts of Asia, sacrific'd not many Years ago to their Ambition and Intrigues, under the Notion of propagating the Catholick Faith: I say, when I consider all these things, I am the less surpriz'd with the dismal Effects of their Counsels in England, since the same Fate attends them every where. But I must confess, That among all the Martyrs to Loyola's Principles, there is none more justly claims our Compassion than the late King James. To see a Prince, naturally of no bad temper, impos'd upon by these zealous Bigots, to trample upon the Religion and Liberties of his People, contrary to Fundamental Laws, and the most solemn Promises and Oaths, under the false Mask of Piety and Zeal to the Catholick Faith; and at length to find him seduc'd to abandon his Kingdoms, and thereby an absolute necessity put upon the Representatives of the People to fill up his Throne vacated by his own Fault, is a Subject that naturally displays the Vanity of human Greatness. And I may add, That the unaccountable Doctrine of *Passive Obedience*, as it was the Source of a great many Mischiefs among our selves, so what has befallen that King, may be partly imputed to it; for the believing, That without controul he might do what he pleas'd, encourag'd him to take such Measures as have brought upon him all his Misfortunes. I cannot but at the same time represent to my self, with that emotion of Mind the affrighted Passenger looks back upon the devouring Billows he has lately escap'd, the dismal Scene of Ruin that so lately threatned us, and that Abyss of Misery we had certainly been plung'd into e're now, if his present Majesty had not opportunely deliver'd us from the very Jaws of Death and Ruin.

That any of the Protestant Persuasion at home should be found Repiners at this mighty Deliverance, is, in my humble Opinion, an unaccountable piece of Ingratitude and Weakness at once; when all the Reform'd States abroad look upon this great Revolution in Britain, as the most happy Providence that has appear'd on the Theater of Europe this Century of Years. The late mighty Enterprize of his Majesty was the Result of the united Consultations of all the Foreign Protestant States and Princes in this part of Christendom; who settled upon it, as the last Cast of the Dye, for their Religion and Liberty; and with a trembling Expectation made Vows to Almighty God for the Success of an Attempt they wisely foresaw carry'd in

in its Womb the Fate not only of these three Kingdoms, but of all the Reformed Churches of *Europe*.

Who are
Lovers of
Slavery.

When Heaven had smil'd upon this stupendous Attempt, and had, beyond the usual Tract of Providence, vouchsafed us a Deliverance scarce equal'd in the Records of Time; Who would have imagin'd that *England* should produce such a sort of Monsters, as seem to be in love with Slavery and Ruin, the necessary Consequences of their Folly? And that there are such a sort of Men, we have a plain Demonstration in these unhappy Wretches that have so industriously dispers'd through this great City that Paper call'd, *King James his Declaration to all his Loving Subjects in the Kingdom of England*. A Paper I could have wish'd for *King James's* own Honour had been buried in Eternal Oblivion, since it contains a heap of Fallacies that was below a Prince to affirm, and which are known to be so by no fewer than the People of three Kingdoms.

In giving my Reflections upon this Declaration, the Respect due to one that was lately a crown'd Head, with some other just Motives, obliges me to do it with more reservedness than perhaps such a Paper deserves: and instead of a needless exposing a Prince, that has his Honour too much sunk already in the Eyes of all *Europe*, I shall, with all the Calmness and Candor possible, examine the Declaration it self, without Reflections upon the Prince whose it is; and shall not omit one single Sentence in it, that can be interpreted even by Himself of any consequence.

King J. his
wrong Mea-
sures.

His only re-
al Enemies
who.

Thus his Declaration begins, ' Altho the many Calumnies and dismal Stories, by which our Enemies have endeavour'd to render us and our Government odious to the World, do now appear to have been advanc'd by them, not only without any ground but against their own certain knowledg; as is evident by their not daring to attempt the proving these Charges to the World, which we cannot but hope hath open'd the Eyes of our good Subjects, to see how they have been impos'd upon by designing Men, who to promote their own ambitious Ends, care not what Slavery they reduce our Kingdoms to. It seems *King James* continues in his wonted road, of taking wrong Measures both of Persons and Actions, which has been the Occasion of all his Misfortunes. When he talks of his Enemies, that have rendred him and his Government odious to the World, he mistakes himself, if he means those worthy Patriots, that being weary of his insupportable Incroachments upon the religious and civil Liberties of these Nations, did lend a hand to deliver themselves and Fellow-Subjects from a Ruin that seem'd almost inevitable. But if he had been at the pains to take an impartial Survey of his own Actings, and the pernicious Counsels of a sort of Men about him, he might easily come to know, that his only and real Enemies were those Popish Emissaries, that valu'd not how much his Honour suffer'd, nor his Crown were indanger'd, if so be they might bring about their own hidden Designs; and were willing to sacrifice both him and his Interests to their own by-ends: Never Prince was so unhappy in his Cabinet-Council as he; and that false Light which led him to imploy none about him, with any Intimacy of Confidence, but those of his own Persuasion, prov'd an *Ignis fatuus*, that cheated him into Paths never trod by any of his Predecessors, but to their Destruction. If he had been so happy, as to have continu'd in his most Secret Councils a great many Persons of the reform'd Religion, whom he kept at a distance, tho to amuse the Nation he allow'd them the empty Names of Privy Counsellors; he had not brought three Kingdoms to the brink of Ruin, nor upon himself so hard a fate. Yet I must acknowledg some part of the Obligation we have to these Gentlemen, that of late had the sole Conduct of *King James* his Affairs: For in giving him such Counsels as his greatest Enemies could have wish'd him, they prov'd the Occasion of our being at this day happy under the auspicious Reign of their Majesties, being Princes of the same Religion and Interests with their People; and we may justly say, as *Themistocles* of old, *We had undoubtedly perish'd, if we had not perish'd*. How little is *King James* oblig'd to his Secretary that penn'd this Declaration, since he so foolishly takes up the Remembrance of those things that made him and his Government odious to the World, by the Names of Calumnies and Stories, which it was so much his Master's Interest to bury in silence? Good God! Were the late palpable and barefac'd Incroachments upon the Fundamental Laws of the Nation, but Calumnies? Were the open Violations of solemn Oaths, Promises and Ingagements, but Stories? Does *King James*, or his *French* and *Irish* Counsellors imagine, that we have so soon forgot his *Promises made in Council* not many hours after his Brother's Death, and his conspicuous Breaches of them not many months thereafter? Can we allow our selves to forget, that all the Trusts both in Court, Bench, and the Army,

Army, were fill'd up with these very Men, whom reiterated Laws had rendred incapable of them? Was a *Person's sitting at the Council-Board*, whose very being found in *England* was Death by the Law, but a mere Calumny? Can a few months be able to obliterate the Memory of that Affair of *Magdalen Colledge*, one of the most open Invasions of Property that could be? Have we lost the Remembrance of that Illegal *Ecclesiastical Court*, and the Tyrannick Judgments past therein? Have we not seen a *Reverend Prelate* suspended from his Function, merely because he would not do what he could not, that is, for not condemning a Man unheard? Have not we seen seven of the *Spiritual Peers of England* sent Prisoners to the *Tower*, and brought as Criminals to the Bar, for barely representing the Reasons why they could not obey an Arbitrary Command, contrary to their Conscience? Both *England*, and our neighbouring Nation have too many Reasons, to remember the late King *James's* assuming to himself an *Arbitrary and Despotick Power*, not only to dispense with Laws, and the firmest Constitutions, but to act diametrically opposite to them. Can King *James's* Oratory persuade us, that the continuing to levy the *Customs and additional Excise* (which had been only granted during the late King *Charles's* Life) before the Parliament could meet to renew this Grant, was but a Calumny? Was the strange Essay of *Mahometan Government*, acted at *Taunton* and *Lyme*; and the no less strange Proceedings of that bloody Chief Justice in his Western Circuit (justly term'd *his Campaign*, for it was an open Hostility to all Law) for which, and the like Services, he had the Reward of the Great Seal; were they all but Stories? We have too good Reason not to forget the many Violences committed by the Soldiers of a standing Army in most Parts of *England* and *Scotland*, which are the most severe and insupportable Invasions of Property.

K. James's
arbitrary
Acting.

These, and such like, with a great many more, were the things that rendred King *James's* Government justly odious to the *British World*, and made these three Kingdoms groan after Liberty. If so grave and tragick a Subject could allow it, I could be almost tempted to laugh at that Expression in the Declaration, of his Enemies not daring to attempt the proving these Charges to the World; which is all one, as if a Man in the severest fit of the Gout should be desir'd to prove that he has it, when the Sense of the Pain proves too sad a Remembrancer of his Distemper. And indeed, this part of King *James's* Declaration merits no other Answer, than that of the *Philosopher* to him who deny'd Motion, when making a step up and down the Room, he vouchsafed him no other Refutation of his ridiculous Assertion, than these two words, *hicne Motus*? In fine, it will be equally impossible to persuade the World, that these Actions, that rendred King *James's* Government odious to the World, were but Calumnies and Stories, as to persuade a Man upon the Rack, that he feels no pain. How unluckily have the Penners of this Declaration stumbled upon that Expression, of his Enemies not caring what Slavery they reduce the Kingdoms to: *Quis tulerit Gracchos*? That King *James* had in a great measure enslav'd these Nations, and was upon the ripening his Designs, in conjunction with *Lewis* the 14th, to teach us a *French kind of Subjection*, has appear'd in legible Characters by the whole Scheme of his Actings. But, since his present Majesty's Accession to the Throne, there is not the least footstep of Slavery left us; we are blest with a King that takes the Advice of his Parliament, and owns no distinct Interest from that of his People; a Prince, who to deliver us from Popery and Slavery, has ventur'd his All, and who by his Conduct at home, and his Allies abroad, is capable to render us happy, if our own Divisions and Folly do not precipitate us into an inevitable and unpitied Ruin.

In the next place King *James* tells us, 'That since his Arrival in *Ireland*, the Defence of his Protestant Subjects (as he calls them) their Religion, Privileges and Properties, is especially his Care, with the Recovery of his own Rights. And to this end, he has prefer'd such of them, of whose Loyalty and Affection he is satisfy'd, to places both of the highest Honour and Trust about his Person, as well as in his Army. The reading of these lines puts me in mind of the Parallel so exactly observ'd betwixt the *French King*, and King *James*, in all their Conduct, and particularly in both their way of asserting the calm Methods us'd by them towards their Protestant Subjects. Tho that Common Enemy of the Christian part of Europe (as the present Pope was pleas'd to call him) had outdone all the *Nero's*, and *Julian's* of old, in the art of Persecution, and had render'd himself abominated to the World, by the Cruelties committed by his Dragoon Missioners upon those very People that had done him the best Offices, and preserv'd the Crown upon his Head in his Minority; yet at the very same time, *Lewis* the 14th, and his Ministers, have had

Parallel
betwixt K.
J. and the
Fr. K.

had the Impudence to affirm, that no other Methods were us'd to convert these poor Victims, but those of fair Persuasion and Calmness. Just so King *James*, that he may follow as near his Copy as possible, having since his Arrival in *Ireland* abandon'd the Protestants of that Country to the merciless rage of an Enemy irreconcilable, from both a Principle of Religion and civil Interests, who within his View have laid desolate whole Countries, and acted Barbarities proper only to themselves, and their *French* Confederates; and by which they have forc'd away a great many Thousands from their Country, at the point of starving, having sav'd nothing of their Fortunes from so universal a Calamity: Yet, notwithstanding all this appears in the Face of the Sun, King *James*, that he may not come short of his Patron, boldly affirms, that the Religion, Privileges and Properties of his Protestant Subjects (as he names them) are his chiefest Care over and above. What a gross Contradiction is it to common Sense and Reason, that a Prince bigotted to the *Romish* Religion, and enslav'd to Jesuitick Counsels, should make that Religion, which in his Opinion is an execrable *Heresy*, become his equal Care with what he calls the *Recovery of his Right*? Sure I am, in this Expression he has mightily over-acted his part, and nothing but a belief capable to receive *Transubstantiation* can be persuaded of the fair meaning of it. If the Proposition could possibly admit of a favourable Construction, then it must necessarily follow, that King *James* is of another Communion than that of *Rome*, which were a great Injury done him to suppose, seeing he has given us such convincing Proofs to the contrary: For every *Roman* Catholick is oblig'd to look upon the Protestants as *Hereticks*, and their Religion as *Heresy*; and we have once every year the imaginary Successor of *Saint Peter*, formally Cursing us in Person, and from his plenary Power declaring us to be fallen from all our Civil Rights. If King *James* had said, the Protestants are his Care, meaning the Conversion of them to his Religion by the calm Methods of a Dragoon Mission, he would have found no great difficulty to have been believ'd. But to affirm that *that Pestilent Northern Heresy*, the Protestant Religion, *was his Care*, is indeed a stretch beyond the ordinary pitch of Jesuitick Equivocation it self. We have had occasion enough to be acquainted with the Charity of the Church of *Rome* towards those of our Religion; it has been both fervent and burning: And lest we should forget what has been done in former Ages, *France* and *Savoy* have of late set before us new Instances of the Charity of that Church. No doubt King *James's* sincerity in this Assertion, is the same with that of all his Promises: And, albeit when he was upon the Throne, we were told in some of his *Proclamations*, that we were bound to obey *without reserve*; it's hardship upon hardship to be oblig'd, now when he is justly abdicated, to *believe without reserve*.

Protestant
Religion
not King
James's
Care.

Properties
of Irish
Protestants
not regard-
ed by him.

But, that we may the easier be persuaded of King *James's* care of the Protestants of *Ireland*, and their Properties, let us take a short glance of the great Favours he has bestow'd on them since his Arrival there. One would think, that a Man's *Estate*, *his House*, *Furniture*, *his Arms*, *Mony*, *Chattels*, and the like, were included under the word *Property*: King *James* his Care has been so transcendently great of this sort of Property, that there are at this day, in *England* and the neighboring Nations, Noblemen, Gentlemen, Clergy, Merchants and Tradesmen, whose Estates, seiz'd upon by King *James's* Order, amount to more than four Millions of Pounds *Sterling*. If any doubt the Truth of this, I refer them to the List and Account taken of the *Irish* Protestants by the Commissioners appointed by the King to that effect. Neither is there, at present, one single Protestant within that Kingdom, that can rationally assure himself of one moment's possession of what the barbarous *Irish* have left them yet undestroy'd. Who knows not, that upon weighty Reasons, the Wisdom of the Kings of *England* thought it very dangerous to trust the Natives of *Ireland* with Arms, knowing from many sad Experiences, they were a People impatient of the *English* Yoke, and ready to accept all Occasions to throw it off? But King *James* treads quite another Path; instead of disarming these his darling *Wild Irish*, they are the only People he can trust, as knowing their furious Zeal to his Religion, and their hereditary hatred to the *English* Nation, render them fit Instruments to execute the Designs concerted betwixt him and his intimate Ally the *French* King: And which, to capacitate them the better to effectuate, he has wisely disarm'd beforehand, all the Protestants of that Kingdom, and prepar'd them ready Victims for their bloody Enemies, whenever it shall be time to give the Blow. I confess, it requires the greatest stock of Patience, to hear one boldly affirm his Care of my Life, and at the same time to see him give me up, bound and defenceless, into the Hands of my cruel and mortal Enemies.

There

There is another transcendent Instance of King James's *Care of the Protestants in Ireland, their Religion, and Property*, which merits to be engraven in *Corinthian Brass* to Posterity. All that are in the least acquainted with the Laws and Affairs of that Kingdom, know that the *Act of Settlement* is the great Security of the Protestants, their Religion and Properties, and the Fundamental Right they have to their Estates, conquer'd from the *Rebellious Irish* at the expence of their Blood and Treasure. By this *Act*, the *lasting Landmarks* are fixt among the Protestants themselves, and between them and the Natives. This is indeed the *Magna Charta* of the Protestants of *Ireland*, and the true *Basis* of their Liberties and Properties; upon the taking away of which, the Superstructure must tumble to the ground. Now King James's *Care of the Protestants* is of so high a Nature, that in his first Speech to his *Mock-Parliament*, consisting all of Papists (except about five or six) May 7. he assures them, *He would consent to the enacting such Laws as might relieve them of the Act of Settlement.* And May 10. we find it mov'd in the House, *That nothing could be more advantageous to the King and Country, than to destroy the horrid barbarous Act of Settlement; and whosoever shall alledge the contrary, shall be deem'd an Enemy to both.* Thereafter we find it mov'd by one of the *Worthy Members* of that Parliament, *That the Act of Settlement should be publickly burnt by the Common Hangman.* Behold the transcendent Care of King James for the Privileges and Properties of the Protestants of *Ireland*! His accustom'd Zeal obliges him at the first meeting of his *Packt Popish Parliament*, to put them in mind of the best Methods to repeal the great Security of the Protestants Estates. His impatience to have this done, could not stay till it had been propos'd by any of the Members themselves; he must needs demonstrate his Tenderness to his *belov'd Irish*, by leading them the way how to break off the *English Yoke*, and make an Inroad upon those Properties the Protestants had acquir'd at the expence of their Blood. As I intimated before, it was ever the Maxim of *English Policy*, to bridle the unwear'd Attempts of the *Irish* for regaining their Country, by a good standing Army in that Kingdom consisting of Protestants: But here we have another Testimony of King James's Care of the Protestants, in his turning out of all Places in the Army those of that Persuasion, to make room for others of his own Religion. It was the Policy of all Nations to keep the People they had conquer'd, in as great ignorance of the *Art of War* as possible, lest some time or other they might shake off their Yoke by a vigorous Rebellion. But King James inclin'd to take other Measures, and be at the greatest pains to teach an *indocible Nation* the use of Arms, that they might learn in due time to shake off the *English Government*.

Act of Settlement broken in Ireland.

As to the other part of the above-mention'd Assertion, 'That he had advanc'd several of the Protestants in *Ireland* to Places both of the highest Honour and Trust about his Person, as well as in his Army.'

To pass a just Judgment upon this Assertion, we need only consider what sort of Persons are at present about King James both in *Civil and Military Capacities*, and we shall find it hard to meet with one single Person of the Protestant Persuasion in the Number. I could heartily wish, that all King James his Actions could as easily admit an excuse as this: For the Authority assum'd upon him by *Monsieur d' Aux*, and his other *French Guardians*, puts it almost beyond his Power to employ *English Roman Catholics*, far less *English Protestants*. At the Council-board we find none of the Protestants. The Offices of *Lord Lieutenant, Chancellor, Privy Seal, Secretary of State, Commissioners of the Treasury, Lord Chief Justice, Solicitor General, Attorney General*, and all the Places of the *Long Robe*, are enjoy'd by *Roman Catholics*. As to *Military Capacities*, there is no single *Garison, Fort, nor Castle* within the whole Kingdom, except *London-derry* and *Iniskilling*, but are fill'd up with both *Popish Governors, Officers and Soldiers*. In the Army, all the *Field Officers* are either *French*, or *Native Irish* of the same Religion: Yea, the *French's Absoluteness* both at the Council-board and in the Army, has of late given the greatest Jealousy and Discontent to some that have done King James the best Service.

Persons employ'd by K. J. in Ireland.

In the end of this first Paragraph we are told, that King James, 'by granting his Royal Protection to such whose Minds were shaken by the Arts of his *Rebellious Subjects*, has dispell'd their Apprehensions, and effectually secur'd them against the Attempts even of their private Enemies. And then adds, his Ears have been always open to their just Complaints: And so far has his Royal Mercy been extended to those that were in Arms against him, that he has actually pardon'd several hundreds of them, and most notorious Criminals are kept in an easy Confinement. In reading this Period, I find King James would impose upon

K. James
would im-
pose upon
our Senses.

All Papists
Enemies to
Prote-
stants.

Protection
violated in
Antrim.

our Belief and Senses something as much contradictory to it self, as *Transubstantiation*, and the one as hard to be digested as the other. The Church of Rome tells us magisterially, that albeit our Seeing, Feeling, Smelling, and Taste, combine together to assure us, that the Bread and Wine are *really such*, yet we must not give Credit to these fallible Senses of ours; but take it upon trust from the Church, that what our Senses tell us to be Bread and Wine, is quite another thing; and that there is nothing there left of any such Elements, after once the Priest had mumbled over *the three Words*. Thus King James, having long accusom'd himself to an *Arbitrary Power* over our Persons and Properties when King, cannot refrain from venturing an Essay of it upon our Reason and Senses, even when he is laid aside: For, albeit our Senses are continually entertain'd with hundreds of Objects, that bear in upon our Reason a certain Persuasion that the poor Protestants of *Ireland* are every day flying away from that Country, at any rate, to avoid the many Barbarities exercis'd upon him, and that that Kingdom is become the Scene of Misery and Desolation; yet King James would have us wisely lay aside these mean helps of Sense and Reason, and take it upon his bare Word, that there is no such thing; which I think very few will be inclinable to do. If what is asserted upon this Subject be true, and consequently our Senses and Reason so strangely beguil'd, it necessarily behoves us to pass no milder Judgment upon those Noblemen, Bishops, Gentlemen, and Persons of all Ranks, that have left their Country since King James's Arrival there, but that they are quite out of their Wits: For what better Name can be given to Persons that have left their Country, Estates, and Employments, to become here the greatest Objects of Charity, when not only they might have been safe at home, but secured against the Attempts of their private Enemies? In this word *private Enemies*, we are oblig'd to King James's Secretary (whether out of Ignorance, or Design, I know not) for a fairly insinuated distinction of the Protestants in *Ireland*, their *private* and *publick* Enemies. We know that all *Roman* Catholics are ty'd, by the Dictates of their Church, to be Enemies to the Protestants, and to extirpate them when it comes in their Power; and this, as flowing from a publick Interest of Religion, may justly be term'd a *publick Enmity*: But the Natives of *Ireland*, over and above that publick quarrel of Religion, have a private one of Revenge, for recovering from the Protestants their Lands acquir'd by the Sword; and no Age has passed since the Conquest of *Ireland*, but what has afforded bloody Proofs of the revengeful Spirit of that People upon this score. If free quartering, plundering, robbing, disarming, seizing on Estates, imprisoning, murdering in cold Blood, and the like, be a securing these poor Protestants against their private Enemies, they have no Reason to complain of King James his Conduct: But, alas! to be ruin'd, and in the mean time to see the Authors of it boldly affirm that they do us all the Offices of Kindness, is the hardest of fates. I would fain know where are these hundreds that he has pardon'd; for those that flee every day from that unhappy Country, cannot instance us a single one of them: And for those that are kept in such easy Confinements, their Condition, of all Men, is most deplorable, seeing they lie at the Mercy of an Enemy, that wait but for a favourable Juncture to sacrifice them to their Revenge. What sort of security the Protestants of *Ireland* meet with against their private Enemies; and what is the ordinary effect of Protections given to these poor credulous People, will appear by this one instance, among thousands of others, of a Protection given to a Farmer in the County of *Antrim*, in these Words: *I Richard Hamilton, Lieutenant-General of his Majesties Forces in Ulster, do hereby receive into his Majesties Protection the Body and Goods of James Hunter, of Bullimenack, in the County of Antrim, Yeoman; and do promise and oblige my self, that none of the Army shall molest and hurt him, or take any thing from him. Given, &c.* The poor protected Man, thus noos'd, returns to his House, and follows his Labour; but anon, down come upon him the Rabble of the Army, like an Inundation of Goths and Vandals, sweep all before them, and leave nothing behind them but a starving Family. The wretched Man making his Address to *Hamilton*, received this cold Answer; *I promised to protect you from the Army but I have no power to restrain the Rabble.*

In the beginning of the second Paragraph, we are told ' of the Care King James has taken of the Church of *England*, that they be not disturb'd in the Exercise of their Religion, and possession of their Benefices; and that all Protestant Dissenters enjoy Liberty of their Consciences, without the least Molestation. And out of his Royal Care for the Prosperity of his People (as he calls them) he has recommended to his Parliament, as the first thing necessary to be

dis-

‘ dispatched, to settle such a Security and Liberty, both in spiritual and temporal Matters, as may put an end to these Divisions, which have been the source of all their Miseries ; being resolv’d, as much as in him lies, ‘ to entail Liberty and Happiness on his People so far, as to put it out of the power of his Successors ‘ to invade the one, or infringe the other : And this, he takes God to witness, ‘ was always his Design. The first part of this long Period is but a Repetition of what had been formerly said, in the first Paragraph, of *the Protestants, of their Religion, Privileges, and Properties being his chief Care* ; and what Truth that can bear, we have shew’d already. There is one thing, that I find King James was ever inclinable to value himself upon, and which he here likewise mentions ; I mean, his *Tenderness to Protestant Dissenters*, and his Principle for *Liberty of Conscience*. They are very short sighted, that could not discern what lay at the bottom of this Liberty, and what could be the true motive that should have induc’d one of King James’s Religion to do it : But because he has been at the pains, so often, during his Reign, to assure us, That it was his Opinion Conscience should not be constrain’d, nor People forc’d in Matters of Religion ; and particularly in his Declaration for Liberty of Conscience, dated August 4. 1687. I’ll beg leave to say, That in this, King James is no obedient Son of the Church of Rome ; for it has, over and over again, decreed the *extirpation of Hereticks* : It encourages Princes to it, by the offer of the Pardon of their Sins : It threatens them to it, by denouncing to them not only the Judgments of God, but that which is often more sensible, the loss of their Dominions. It’s true *Bellarmino* tells us, *The Church does not always execute her power of deposing Heretical Princes, tho she always retains it* ; and he gives a very good Reason for it, *because she is not at all times in a Capacity to put it in Execution* : So the very same Reason might have made it unadvisable to King James, when he was so liberal of his Tolerations, to extirpate Heresy, because it could not be then easily done. But we see the Right remains intire, and is put in Execution, in such an unrelenting manner, in our neighbouring Countries, that it has a very ill Grace, to see any Member of that Church pretend to be against *constraining the Conscience* in point of Religion. And when we consider, that neither the Policy nor true Interest of France, nor the Greatness of their Monarch, could withstand these bloody Counsels, that are indeed parts of that Religion ; I could never see any Reason to induce us to believe, that the late Tolerations of Religion were propos’d with any other Design, but either to divide the Protestants among themselves, or to lay them asleep, till it was time to give the Alarm for destroying them. And that, in the Opinion of that Church, the Glory of extirpating Heresy is valu’d above all other great Actions, we have a remarkable instance in that famous Harangue made by the Bishop of Valence to the French King, in the Name of the Convention of the French Clergy at St. Germain, in June 1684. where that Prelate having recounted the innumerable Conversions made by that King’s Orders, Cares, and Liberalities, to use his very Words ; he subsumes thus : *Je bien même, que se chercherois vainement dans les siècles passés, que l’appellerois vainement à mon secours, tous les éloges des premiers, et des plus saints Empereurs.* It were, says he, in vain to search into the Ages past ; It were in vain to call to my Assistance all the Panegyricks of the first and holiest of the Emperors : And afterwards he treats him with the Title of the Great Restorer of the Faith, and Extirpator of Heresy ; and tells him, that *these infinitely surmount all his other glorious Titles.* And then, speaking of his Master’s great Victories in Germany, Flanders, &c. and the Peace of Nimeguen made upon the back of them, he concludes thus : *That the Fruit, which the King had receiv’d by that Peace, made it fully apparent, what was the principal end he aim’d at in his Victories, meaning the Extirpation of Hereticks.* The late King James has always copied so far after Louis le Grand, that we have no reason to question, but in this so glorious a work, of extirpating Heresy, he would have come up to the Original, if his Designs and a favourable Juncture of time had concur’d together.

K. J. his
Opinion a-
bout Libe-
ty of Con-
science exa-
min’d.

Bp of Va-
lence his
Speech
about the
Conversi-
ons in
France;

When he tells us, ‘ That the first thing he has recommended to his Parliament is, ‘ to settle such a Security and Liberty, as may put an end to these Divisions, which ‘ have been the source of all our Miseries ; I find the greatest Exactness of Truth in these Words, if we but take them in the Sense and Meaning of the Speaker, viz. a Roman Catholick Prince. For albeit we all know, that the first thing recommended by K. J. to his Irish Parliament, was the repealing the *Act of Settlement* ; which is indeed the great Charter by which most of the Protestants enjoy their Estates : And tho the destroying that Act, gives a mortal Blow to the Protestant Interest in Ireland ; yet according to the native Principles of K. James his Religion, the repealing of this *Act of Settlement*.

K. J. his
Proceed-
ings in his
Irish Par-
liament,

Settlement, may well be call'd, ' The settling a Security, that may put an end to their Divisions, which has been the source of all our Miseries : That is to say, King James, from a Principle of Religion, is resolv'd to remove that *Barrier*, that protects the Protestants of *Ireland*, in their Separation from the Church of *Rome*; that by its removal he may be in a capacity, conform to the Holy Dictates of that Church, and the laudable Example of *Lewis XIV.* to put an end to all Divisions in point of Religion, by forcing them to return to the Mother Church, by the calm Methods of late so happily us'd in *France*. And this, I am very inclinable to believe, he may, with a safe Conscience, take God to witness, was always his Design. I am something surpriz'd to hear King James his Secretaries pop out their Master's secret Designs, that were so much his Interest to conceal: but the Truth is, we knew them before, to our Cost; and we hope, are on the way to be sufficiently secured against any further Effects of them.

No Irish
Protestant
of Note re-
turn'd to
Ireland.

The French
King's ha-
tred to K.
W.

In the end of this Paragraph we are told, that several Protestants are now returned to their Country and Habitations; and that more would follow, if the Ports were open: But the Usurpers (as he pleases to call their present Majesties) know too well the Sincerity of his intentions, to permit a free Passage for them. This indeed is all of a piece with the rest. We are Witnesses every day, of hundreds of poor Protestants of that Country, grasping every Opportunity, they can at any rate purchase, to abandon their Homes, and all that's dear to them, that they may but escape with their Lives: And I defy any of King James his Friends, to instance me one single Person, of any Condition, that have dared to return Home since his Arrival in *Ireland*; none of them being so far in love with Destruction, as to venture on his Protection. In this Epithet King James is pleased to bestow on their Majesties, he imitates his Patron, *Louis le Grand*; who, I confess, has the greatest reason of Hatred against his Majesty, as being the great supporter of the Liberty of Europe; and who, in conjunction with his Allies, is best able to bring to Reason that insupportable Enemy of Christendom, yea of Mankind it self. It were an impertinent piece of Boldness, or rather unpardonable Impudence, to offer to vindicate their Majesties from that injurious Designation; since the Wisdom and Power of the Parliament is paramount to all private Assertions of their Majesties just Right: And that the most, if not all the crown'd Heads, and Sovereign Princes, and States of *Europe*, not only rank our present King among the best and greatest Kings of *England*; but promise to themselves, from his Assistance, to bridle *Louis le Grand* within his proper Boundaries. It was ever look'd upon as a Principle of common Law, That an Heir in Remainder has just Cause to sue him that is in Possession, if he makes Wastes on the Inheritance that belongs to him in Reversion. That the Heir of a Crown should interpose, when he sees him that is in Possession, hurried on by bad Counsels, to subject an independent Kingdom to a Foreign Jurisdiction, is much more reasonable, since the thing is of much more Importance: and that this was King James his Case, is apparent, by the Transactions of the Earl of *Castlemain* at the Court of *Rome*; and the rather, that by a great many Statutes, it was Treason to have Correspondence with that See. This joined to the setting up of a pretended Heir, in such a manner as the whole Kingdom believed him supposititious, was a just and lawful Ground for one Sovereign Prince (such as his Majesty was when Prince of *Orange*) to make War against another, that had so abused his Power; and 'tis an unquestionable Maxim among Lawyers, That the Success of a just War, gives a lawful Title to that which is acquired in the Progress of it. Therefore King James having so far sunk in the War, that he both abandoned his People, and deserted the Government, all his Right and Title to the Crown did thereupon accrue to his present Majesty, in the Right of Conquest; so that he might have lawfully then assumed the Crown: But his present Majesty chose rather to leave the Matter to the Determination of the Peers and Representatives of the People, assembled with all Freedom in the Convention, who did thereupon declare him King; so that, tho he was vested with a just Title of Conquest, he chose rather to receive the Crown by their Declaration, than to hold it in the right of his Sword. This I thought fit to say, not so much for Confutation of the injury done their Majesties in the abovemention'd Designation, which needs not my Pen; but to state their right to the Crown in such a Light, as may remove needless scruples of swearing Allegiance to them.

In the beginning of the third and last Paragraph, King James tells us, That nothing but his own Inclinations to Justice, could prevail with him to sueb a Proceeding, as that of his care of his Protestant Subjects in *Ireland*; and hopes his Protestant Subjects in Eng-

England (as he calls them) will make a Judgment of what they may expect from him. Indeed, it is no difficult Matter to make a Judgment of what we may justly expect from him, if ever Divine Judgment, as the reward of our Ingratitude for so great a Deliverance, should permit us to fall again under the heavy Yoke of a Popish Prince, whom we have so justly and happily thrown off. King James is of a Religion, that has in a famous Council decreed, that *no Faith is to be kept with Heretics*; much less with Subjects, that he looks upon as so many *Rebels*, and will not miss to treat them as such, whenever they give him the opportunity of doing it. For his greatest admirers do not run to that height of Idolatry, to imagine him so much an *Angel*, as not to take all Methods to revenge such an Affront, and secure himself at our Cost from such Treatment for the future. The apprehensions of which Resentment would strike such Terror in Mens Minds, that nothing would be capable to divert them from offering up All for an Atonement; and *Popery* and *Slavery* will be thought a good Bargain, if they can but save their Lives. Then we might lament our Miseries, when it should be out of our power to help them; for a Prince of *Orange* is not always ready to rescue us, with so vast expence, and hazard of his Person. And I must say, if ever our Madness should hurry us thus far, we should become rather the Objects of Laughter, than of Pity.

Therefore, King James promises and declares, That nothing shall ever alter his Resolutions to pursue such, and no other Methods, as by his said Subjects in Parliament shall be found proper for their common Security, Peace and Happiness. Such silly Baits as these will not now take; and here is a great deal of pains lost, to persuade us to rely upon Promises so often made already, and as often broken. What Adjournments, Prorogations, and Dissolutions of Parliament we have had of late, is not easy to be forgotten. We have found, to our sad Experience, that the Interest of the Court, and that of the People, were two incompatible things; and to endeavor a Redress of the least Grievance in a Parliamentary way, was not only a vain Attempt, but a Design branded with the infamous Name of *Dissatisfaction to the Government*. I need not be at the pains to repeat all the Promises made by King James, of the same nature with this in his Declaration; and how well they were observed, we all know. Yet I cannot but take notice of one, made in his first Speech to his Privy Council, an hour after his Brother's Death, printed by his own Command, in these Words: *My Lords, before I enter on any other, I think fit to say something to you, since it has pleased Almighty God to place me in this Station; and I'm now to succeed to so good and gracious a King, as well as so very kind a Brother. I think fit to declare to you, That I will endeavor to follow his Example; and most especially, in that of his great Clemency and Tendernefs to his People. I have been reported to be a Man for Arbitrary Power; but that is not the only thing, that has been said of me: And I shall endeavor to preserve this Government, both in Church and State, as it is now by Law established. I know, the Principle of the Church of England is for Monarchy, and the Members thereof have shown themselves good and loyal Subjects; therefore I shall always take care to defend and support it. I know the Laws of England are sufficient to make the King as great a Monarch as I can wish: And as I shall never depart from the just Rights and Prerogatives of the Crown, so I shall never invade any Man's Property.* He that can reconcile this Speech with King James his after actings, is the fittest Person I know to explain the Popish Notion, of our Saviour's Body being in a thousand distinct Places at once. In these Expressions, he takes it very unkindly to have been reported a Man for Arbitrary Power, and promises a great many things, that are contradictory to it: but how well he deserved the Character, all his Conduct has made it appear with a Witness.

We have one of the most remarkable instances of King James's being against Arbitrary Power, in his Declaration of the 12th of February 1687. for a *Toleration in Scotland*; where we find these new coin'd Words, thrice made use of, *Our absolute Power*, with this addition, *which all our Subjects are to obey without Reserve*. Now *Absolute*, in its natural Signification, importing the being without all ties and restraints; then, the true meaning of this seems to be, That there is an inherent Power in the King, which can neither be restrained by Laws, Promises, nor Oaths; for nothing less than being free from all these, renders a Power Absolute. Tho the Term *Absolute* was enough to stretch our Allegiance; yet that which comes after, is yet a step of a higher nature, tho one can hardly imagine what can go beyond *Absolute Power*; and 'tis in these words, *Which all our Subjects are to obey without Reserve*. This is, indeed, the carrying Obedience many degrees beyond what

No reason
to rely on
K. J. his
Promises.

K. J. his
first Speech
in Council
in Eng-
land.

Irreconci-
lable with
his actings.

Pretends
to Power
without
what Reserve.

what the Grand Seignior yet ever claimed; for the most despotick Princes in the World, before *Lewis le Grand's* time, thought it enough to oblige their Subjects to submit to their Power; and to bear whatever they thought fit to impose upon them: But, till the fatal Days of the Dragoon-Conversions, it was never so much as pretended, that Subjects were bound to obey their Princes *without Reserve*, and to be of his Religion, because he would have it so, the only convincing Argument used by these *booted Apostles* of late. So, without doubt, this Qualification of the Duty of Subjects, was industriously put in here by King *James* his Jesuitick Counsels, to prepare the Protestants of *Scotland* for a terrible *Le Roy lê veut*, since the poor Pretensions of Conscience, Honour, Religion, and Reason, would have been reckon'd as *Reserves* upon their Obedience, which were all by that Expression shut out.

Arbitrary
Power as-
sumed by
K. J.

Before I leave this Paramount Instance of King *James's* assuming to himself an Arbitrary Power beyond what the Great *Turk* claims, and contrary to his own reiterated promises, I must take notice of another very *comprehensive expression* in that same Declaration for a Toleration in *Scotland*, and it's this. *We think fit to declare, That we will not suffer Violence to be offer'd to any Man's Conscience, nor will we use Force, or INVINCIBLE NECESSITY upon any Man, on the account of his Persuasion, nor the Protestant Religion.* When I first read these Words, I easily perceiv'd what caution was us'd in the choice of them; for it is clear, the general Words of *Violence* and *Force*, are to be explain'd and determin'd by these last, of *INVINCIBLE NECESSITY*: So that King *James* very wisely promised only, to lay no invincible Necessity on his Subjects; but for all *Necessities* that were not *Invincible*, they might expect to have felt a large share of them: For Disgraces, want of Imployment, Finings, Imprisonments, and even Death it self, are all *Vincible* things to a Man of a firmness of Mind; yea, the Violence of Torture, the Furies of Dragoons, and the Precedents used of late in *France*, might have been fairly included within this Promise, since a great and sublime Soul, fortified with an extraordinary measure of Grace, might be able to support under them.

Now, since we have had so many experiences of King *James's* faithfulness to his Promises, before he abandon'd the Government, I pray what Arguments has he of late given us, that he will be more observing of his Word, than hitherto he has been? Sure, the reducing Hereticks to the See of *Rome*, is no less meritorious than before; nor King *James*, by breathing a little of the *French Air*, and concerting Measures with *Lewis* the 14th, become less a Bigot.

No Prote-
stant ought
to wish his
Return.

King *James* concludes his Declaration with assuring all his pretended Subjects, *That if, within twenty Days after his appearing in Person within England, they return to their Obedience, by deserting his Enemies, and joining with him, he will grant them his full Pardon, and all past miscarriages shall be forgot.* This merits no other Answer, but what has been already said: only this, He must have the worst Opinion of the frailty of Human Nature, that can be brought to believe, that any Man, not altogether divested of his Reason, can be prevailed with to join King *James*, tho he were in *England*, except he be of that Religion that obliges him to assist a Prince, that sets up so fairly for the Glorious Title of the *Extirpator of Heresy*; and to venture all upon the uncertainty of seeing their Church Triumphant. And if there be any of the Protestant Persuasion so strangely infatuated, as but to wish his Return, I shall entertain them with no other Answer, but the recommending to them that place of Holy Writ, preach'd upon before the House of Commons of late by an eminent Divine, *Ezra 9. v. 13, 14.* *And after all that is come upon us for our evil deeds, and for our great trespasss, seeing that thou our God hast punished us less than our Iniquities deserve, and hast given us such a Deliverance as this: Should we again break thy Commandments, and join in affinity with the People of these Abominations; wouldst not thou be angry with us, till thou hadst consumed us, so that there should be no remnant, nor escaping?*

*A Letter from a Divine to a Member
of Parliament, in Defence of the Bill for the Uni-
ting of Protestants.*

With the Member of Parliament's Answer.

Printed in
1689. and
licens'd by
the E. of
Shrewsbu-
ry's Com-
mand,
April 1.

THE *Bill of Union*, which being commonly spoken of under the less popu-
lar name of *Comprehension*, has suffer'd very much among the zealous
Friends of our Church, will certainly meet with a more favourable enter-
tainment when it is more fully understood.

Many pre-
judiced a-
gainst the
Bill for its
Name.
Of its De-
sign.

The Design of it is not, as some have imagin'd, the breaking of our Frame,
but rather the giving a greater firmness to it.

No Alteration that I know of is intended by it, but in things declar'd to be
alterable by * the Church it self. And if things alterable be alter'd upon the grounds
of Prudence and Charity; and things defective be supply'd; and things abus'd re-
stor'd to their proper use, and things of a more ordinary Composition revis'd and
improv'd; whilst the Doctrine, Government and Worship of the Church remain
intire in all the substantial Parts of them; we have all reason to believe that this
will be so far from injuring the Church, that on the contrary it shall receive a very
great benefit by it.

It is agree-
able to the
Church of
England
Principles.

This has been the manner of all Christian Churches in all times, not excepting
the *Roman Church* it self; which has chang'd her Offices in every Age, but generally
for the worse: And yet other Churches have not thereby incur'd the imputation
of Inconstancy, and of unfixing things well fix'd. For that which is always to
stand is fix'd; and that which is variable is by the Discretion of the Church accom-
modated to Seasons, and Places, and Occasions.

And of all
other Chris-
tian
Churches.
No argu-
ment of
Inconstancy.

Some *Condescensions* have been already promis'd, and Promises are Sacred things.
They were so lately renew'd, that he must have a very short Memory, and a
worse Conscience, that has already forgot them. When the Bigots among the
Papists, and those who blindly at least, if not wilfully went into their Interest, rais'd
a mighty Clamor against the Church of *England* as a PERSECUTING
CHURCH, the Members of it declar'd that so much as there was of Persecution
in it, was all a Court Artifice, and gave their word for the showing of such a Tem-
per (when opportunity should favor them) as might fully acquit them of such a
Spirit of which they were so publickly and so vehemently accus'd.

Some such
thing pro-
mised.
And neces-
sary to re-
move the
Objection of
our being a
Persecut-
ing Church.

And after so long a time since the Reformation, and so many Revolutions, and
so many Objections heard and consider'd, a Review of our Constitution (if we had
not pass'd any Promise) may seem fit to be made, and now to be capable of being
made much better, than it could have been formerly.

We know
better now
what is fit-
ting to be
done than
heretofore.

It is true indeed, for any Objections that can be made against our Constitution
as now it is, we need not enter on any Alteration of it; all that have ever yet
been brought, having been often and fully answer'd with great strength and plainness.
But it is our unhappiness (or rather theirs) that they who have most need of Books
of this kind, either will not, or are not suffer'd to read them. Or if they chance
to read, yet they come with such prejudice to them, as prevents a diligent and
impartial Perusal of them. The surest way therefore to remove all Objections of
this kind is to remove the occasion of them, and that will be done by this Bill of
discreet Charity.

'Tis the on-
ly way to
remove the
Dissenters
scruples.

I am well aware of your highly commendable tenderness to Ecclesiastical Power; and this Review is not design'd to be made without the Sanction of it, expressly men-
tion'd in the last words of the Bill. The present Bill is but a preparatory Act, and
may as well be pass'd in Parliament as *Queen Elizabeth's Injunctions* without offence to
the Clergy.

It will be
no prejudice
to Ecclesi-
astical
Power.

* Preface to the Common Prayer.

*Nor take
away the
Fences of
our Church,*

*Nor tend to
yield up all
to the Dis-
senters ;*

*Nor be any
discredit to
us if some
Dissenters
should re-
fuse to ac-
quiesce in
it.*

*Such an
Union of-
fer'd will
render them
inexcusable.*

*And tho
the inte-
rested Men
among them
may dislike
it,*

*'Tis hop'd
all others
will ap-
prove it.*

*Its Condi-
tions being
easy, both to
Minist'ers,*

*And to Lay-
dissenters.*

*If it has no
present good
effect, 'twill
secure the
next Gene-
ration,
And satisfy
Foreign
Prote-
stants.*

Neither need you dread this Bill as a means to the throwing down the Fences of our Church. Fences which are always attack'd, and which put us perpetually upon the defensive part, have more of trouble in them than security. And certainly after the Essentials and convenient Decencies of Religion are provided for, our strongest Fences under God are Unity and Number.

I cannot so far suspect your Judgment as to think you will say, that if the least thing be yielded to Dissenters, they will by degrees extort the whole from us by their restless Importunities. What we yield, we yield not so much to them as to the Peace of the Church. And the Wisdom of those great Bodies, a Parliament and Convocation, will know where it ought to stop. And when once that which is fit is granted, if Men who affect to be a State Party shall insist on all that remains, the mere unreasonableness of their Demands will procure a denial, and will justify it to all the World.

Nor can I any more think that a Person of your good Sense should harbour a Suspicion, that the Authority of this Church will be made cheap, and seem to be prostituted by an Offer of Condescension, of which it may be the Dissenters will not accept. It is the grief of all good Men of our Communion, that any of the Dissenters should be guilty of so much as the least appearance of obstructing this Union, which they formerly seem'd so impatiently to desire. And I do own that in some of them there is more than an appearance of aversion to this Bill. If it were not so, after an universal forbearance of preaching or writing in those Controversies on our side, Books level'd both against Liturgy and Episcopacy would not come as they do, in this juncture, fresh from the Press.

However, let that be offer'd by the Churchmen which may be agreed with safety to the Church, and which has been so solemnly promis'd by them; and they will at once both justify themselves, and render those Men inexcusable, who advance towards us when we are bound and cannot meet them; and when we can, and come forward, run back to their old Extremities of Aversion.

It is indeed to be fear'd, that those who cover Interest under the pretence of Conscience, and perhaps among those some few that are Pastors of wealthy Congregations, may be tempted to desire a continuance of the distance betwixt the Dissenters and the Churchmen. It would be Policy in them to endeavour that the Exceptions may remain as means of continuing the Separation, seeing by that they gain more than they had reason to expect if they were set in the common Level, in the parochial Charges of a National Church.

But I have more charitable thoughts of the sincere Dissenters; and the rather, because this present Bill is so fram'd, that it may give them all reasonable Satisfaction.

For, first, as to those Dissenters who are in the Ministry, their special Objections have been against the Forms of Subscription and Ordination. But now there is only one Form to subscribe; and that is so adjusted, that as many of them as are Episcopally ordain'd may come into Parochial Cures, without scruple at that which is now requir'd. For them that have not Episcopal Orders, there will be such a provision made, as will satisfy all the Ministers of the Foreign Protestant Churches; and there is all reason to hope that it will satisfy our Dissenters. And then when they are within the Church, they will have no Temptation to make such Ordinations as they are said to have done of late Years; tho even those they have made are not capable of the Excuse that was made for those in the Ill Times, when Bishops were few, and those imprison'd, and otherwise discountenanced by the Powers in being.

And then for the Dissenters among the Laity; things that are indifferent in their own Nature, being left indifferent in their Use, the grand Objection of their being made unlawful by their Imposition, will be perfectly remov'd. So that be they henceforth us'd or not us'd, they can be no Bar to Lay-Communion.

For these Reasons we cannot but hope that we shall have some Fruit of this Bill among the sincere Dissenters at present; But to be sure, we shall by this means secure the next Generation, who cannot have those Prejudices instil'd into them, which now by a publick Law will be taken away. And for the French and German, and other Foreign Christians of the Reform'd Religion, I am well assur'd, both by Conversation, and by Letters lately sent from Holland, Geneva, Switzerland, and other places (not to speak of the Churches of the Lutheran Communion which write the same) that they look upon the Church of England at this Time as the Center

Center of Protestant Unity; and esteem the Conditions propos'd in this Bill (which have been communicated to them) as Terms full of Christian Moderation, *Who highly approve of it.* and fit for the uniting of Protestants. And you are not to be taught how necessary a Union is (especially in this State of Affairs) not at home only, but among all the Protestants in the World.

It will perhaps be some further satisfaction to you to let you know, that I am not singular in all this that I have with so much freedom written to you. Among all those who have appear'd in the Church's Cause, as well against Dissenters as Papists, *This Bill approv'd by the truest Sons of the Church.* I do not know one single Person that is not a Wellwisher to this Bill; and I believe they will all tell you so, if you please to advise with them. And so far as we may learn the Genius of Men from their Writings, Archbishop *Usher*, Bishop *Saunderson*, Dr. *Hammond*, and a long Order of other most worthy Men of the last Age, whose Memory is most precious in our Church, had they been now alive, would with all Zeal have promoted this *Bill of Union*.

And upon supposition that there were not in this Nation one single Dissenter, that there were no occasion for either Union or Comprehension, it would still be the Church's Interest to propose something of like nature with that which is now under Consideration, and ripe for its Birth, and which I hope will not want a Legal Strength for the bringing of it forth. *And is fit to be pass'd tho not necessary for an Union.*

For, I pray, is any Church so perfect as to lack nothing at all? Would it be a prejudice to our Communion to make Confirmation and Excommunication much more solemn? Would our Service be impair'd by additional Prayers and Hymns, and choice Lessons, and an improv'd Office for the Sick; and by some new Offices for Prisoners of Debt or Crime, for the reconciling of Penitents, &c. together with divers other things which are obvious to considering Persons? *Our Constitution may be improv'd,*

God be blessed we are not defective in things absolutely necessary to Salvation; nor redundant in any Superstitions, or in any sinful Terms of Church Communion. But when we may grow up into considerable Improvements, and provide for Peace and Piety together, if we shall so tie our selves down to our present State as to refuse to do it, we shall certainly answer it to the great Shepherd, who requires us not only to do well, but to proceed in well-doing, and to abound in every good Work. *Tho already very good.*

To conclude, We have lost one Juncture already at the return of King *Charles* the Second: And the Popish Party, who help'd us forward in our Heats, as well as held back the Dissenter, have since that time sufficiently shewn why they did it, by making their Advantages all along by our Disorders. *None but Papists, who have hitherto prevented*

We have now another favourable Season; and that such as was never yet offer'd to us, by reason of the League at this time between the Protestant Princes and States. In this Bill we shall go as far as they desire us to go: So that there can be no need of any considerable Alteration to be made for the future. *our Union, can be displeas'd at this Bill.*

Let us not a second Time suffer our selves to be so far mistaken in our own Interest, as to neglect that which will so much make for our Peace: Which is what all true Friends to the Reform'd Religion must needs desire; and I know none but the Common Enemy, that can reasonably be displeas'd at our Endeavours for the promoting of it. I am,

S I R, Your most humble Servant, N. N.

N.B. Tho
only the
Contents of
the forego-
ing Letter
be printed
in the Mar-
gin, the
Reader, if
he pleases,
may com-
pare the
Letter it
self.

A Letter from a Member of Parliament, in Answer to the Letter of the Divine, concerning the Bill for Uniting Protestants.

Many pre-
judiced a-
gainst the
Bill for its
Name.

Differences of Opinion are so apt to arise, and I am so much for Union, that I cannot but take the trouble of telling you, that you and I were much better agreed at our last Meeting, than you seem to think: For I do not remember that I was so disaffected with the word *Comprehension* in the Church, as that you should think to oblige me with the other of *Union*; that alters the matter as little, as if you should recommend a Bill for the Union of the two Kingdoms to the State, by calling it a *Comprehension*.

Of its De-
sign.

I hope too the Design is not to break the Frame, but for a greater firmness. For tho some pull down an old Mansion-house to sell the Materials, and some to build a new Folly after a Foreign Model, as a Specimen of their late Improvement by Travel; yet others, I grant you, make such Alterations as better the Seat. I do not therefore reject all Alteration; for I would be as glad as any to see the good old House improv'd: but I like it so well as it is, that I desire first to be satisfy'd in the Proposals, before I engage too far with the Undertakers, for I know how willing that sort of Men are to make themselves work.

It is agree-
able to the
Church of
England
Principles.

Our Church is not so unreasonable as to say, that all her Appointments are *unalterable*, and so much other Churches must confess too; she is capable of amendment I grant you, and so she will still be, I suppose, after your *Corrections and Supplies*, and I know no other Church that is not: But whether the Model that is offer'd will amend it or make it worse, that, if we are wise Builders, we shall consider first; for as the *Romans* have alter'd for the worse, so may the *English* too.

Some such
thing prom-
is'd.

The Condescensions that were promis'd on our side are not to be forgot; and further, I wish that the occasion of that Promise may be forgot, the late dangerous Condescension of some Men to the *Romish* Party. But his Memory must be short, who doth not recollect that this *Temper* promis'd, was such an one as should be so esteem'd by a Parliament and a Convocation, that is, a proper and expedient Temper in the regular way. And if the Churchmen desire that this method may be follow'd, they will not deserve to be reproach'd with an ill Conscience in keeping their word: Neither will the Church deserve therefore the name of a *Persecuting Church*, tho she has been unjustly persecuted with it all along by such, who, when in Power, were the greatest Persecutors themselves, and whose Temper will always make them seem to themselves under Persecution, till they can persecute again. This Cry was rais'd by the Jesuits themselves against us in the late Reigns, and a Book of Martyrs preparing, and now it may be taken up again. But this makes not *Comprehension* necessary, it may be sufficiently provided for by a Bill for Toleration; for the National Church of *England*, tho she does not alter, will be no more a *Persecuting Church*, than the National Church of *Holland*, who is not about to alter, as we hear, and continues to exclude above half the Inhabitants.

And neces-
sary to re-
move the
Objection of
our being a
persecuting
Church.

We know
better now
what is fit-
ting to be
done than
heretofore.
It is the
only way to
remove the
Dissenters
Scruples.

But I am not only for a Toleration, I am in my Judgment for a *Review of our Constitution*, as much as any of you Divines, and hope it may be made with so much Christian Prudence, as may shew we are grown wiser by our greater Experience.

It is indeed to be lamented, that the Dissenters Objections cannot be remov'd by *Answers of so great strength and plainness*. It remains therefore only to remove the Occasion; that is, to take away such things against which there is no reason: out of Charity then let it be done, and a *Bill of discreet Charity* it will be indeed, that shall take away all Scruples, prevent all Prejudices, and reduce us to perfect Union. But you may remember, I took the liberty, in our private Conversation, to tell you,

you, that such promising Bills of general Cures are put into your hand in every Street.

The Bill is not yet come to us, but I have enquir'd, and find, that besides the Liberty the Laity have by it, the Minister is at liberty to wear or not to wear the Surplice, to kneel, or to stand, or to sit at the Communion; to baptize, or not to baptize with the Sign of the Cross. And some tell me, they are not sure whether he is oblig'd to approve the Doctrine and Discipline of the Church in which he officiates; and that Ordination by the hands of the Presbytery is so own'd, that it capacitates him for a kind of Licence from the Bishop. These they say are the present Alterations, and twenty Divines of your acquaintance are to have the Royal Commission, to consider afterwards of many more, and more weighty, to be presented hereafter to the Convocation (I hope) and Parliament. Now against this Method of removing the *Dissenters answer'd Objections*, there seem to me to be several weighty Objections I wish might be answer'd as easily, some of which I shall mention presently. But as to the Ecclesiastical Power, of which you allow me to be tender, all that the Divines of my Acquaintance desire, is the Power of hearing and deliberating concerning such Proposals in a Convocation: And if this preparatory Act be of an Ecclesiastical nature, they request the same Power may be granted them here; for the Churchmen, I think, have such a Right, and if they have not, yet they are proper Advisers; and so numerous and learned a Body as the Ecclesiastical Commonalty is, should have some regard had to them, as well as to the Dissenters, and be represented not by a few Men of a sort, but by a Convention at least of their own choice, being neither so superstitious nor so ignorant, as in the times you mention of Queen Elizabeth.

It will be no prejudice to Ecclesiastical Power;

All the reason of Fences to the inclosure of a Church, is to keep those out that are not fit to come in, or will, if they are suffer'd to stay in, disturb it; to maintain Truth and Devotion in Unity and Order. Now our Fence against false Doctrine and Divisions is an Approbation requir'd from every Minister of the Church to what is order'd in the Church; for, if he scruple to say he approves the Doctrine, he is not to be trusted with the teaching of it; and if he approves not the Discipline, he will practise it but untowardly. This Fence is so natural a Bound, that no Church wants it; and whoever attacks it, intends to take the place, and, for ought I know, to rase it. It is for the Security of the Church to keep up such a Fence whatever the trouble may be; and they will be troublesome Men indeed, that will not approve what stands, when we are willing to alter all that is not to be approv'd.

Nor take away the Fences of the Church.

I will not say that the Obligation to wear a Surplice is one of our Fences, tho it may serve conveniently as a *Shibboleth* to keep those out of the Ministry, who are either so weak as to conceit an Illegality in the Habit, or so hypocritical as to pretend it. But this I think, that if the Surplice be not absolutely discharg'd, but the Minister left to his choice, there will be then no Fence against a contrary Practice in the Diocess, and against the impossibility of the Minister's humouring all the Congregation by his choice; that is, against the Wrangling and Faction that will arise between Minister and Minister, and between Minister and Parishioner on that Subject: A Dispute that the Bishop will have no Authority left to determine. Neither let any Man pretend that such Trifles will not disturb a Diocess or a Parish, when we find they are so considerable as to trouble a Parliament, and to interrupt the Publick Affairs in so pressing a Conjuncture.

The direction of the People to some one decent Posture at the Sacrament, is commonly thought a convenient Fence against Irreverence, at least Disorderliness: And there is no Church that does not expect her Communicants in the same Posture. But allow us Laity a greater Liberty in England, yet such an Order upon the Minister will be, in my judgment, but a necessary Fence against Parochial Schisms (to go no further) that will otherwise follow: For taking it for granted, that all you Churchmen understand the nature of the Ceremonys so well, as to know them to be indifferent, and that you will none of you make any scruple of giving the Communion to one sitting (tho a Scruple on this hand would be as well grounded as on the other, and deserves much more regard) granting, I say, these Ceremonies to be indifferent to you; yet to the Dissenters they are unlawful, for therefore they desire them to be releas'd. Suppose then one of those Ministers enter'd by this Gap of our old Fences into some populous Congregation, and suppose the Laity of our Communion willing to receive the Sacrament at the hands of one that refuses to kneel himself (a thing that may not always happen) yet the Minister himself must

be presum'd unwilling to give it to the Layman kneeling, and at least he will discourse of it, and declare against it. Now do you not think this will certainly break his Parish, and make the People willing to receive from another Hand, nay force them to another Congregation? which course must certainly end in Feuds and Animosities, if there be no temporal Discontent on foot: But if there be, it is to be fear'd, that the secular Parties will distinguish themselves by these Postures, and greater Disorder follow than will be consistent with the Peace of the Government it self; and this you must expect, that if it shall once appear that a State-party has taken away the Ceremonies, there will be a State-party for them.

I should not be so particular in such things of Church-practice, which you should consider rather than I. But give me leave to go a little further as to the Sign of the Cross; it was us'd heretofore to be a Fence against ill Spirits, as they say; but now, I know not why, it has rais'd them. However, I think, the liberty of the Minister to use it or no, will be very inconvenient; and that an Obligation upon him to do as he shall be desir'd, will be a proper Fence against the trouble some of his Parishioners may otherwise have of looking out for another Minister to Christen, as soon as a dissenting Minister shall be prefer'd upon them.

But to dispatch this business about Fences; Ordination, as I take it, is another, and such a one, that instead of being laid more open, ought to be better secur'd than it is. It were to be wish'd, that there were more Keys than one to the door of the Fold, and that it should not be open'd but with great Solemnity; for if care be not taken, there may be found a Bishop that may in private let in those that are better kept out. I do not deny, but there may be a Form peculiar for the admitting to the Ministry such as are said to be ordain'd of Foreign Presbyters, or Popish Bishops, but I dare not prescribe such a one. For this, I think, if any, is a Matter so weighty, that it ought not to be determin'd, but by the Body of the Church.

And so much for the Fences, the strongest of which, you say, are Unity and Number: But a Church that grows numerous by taking in Dissenters, may be no stronger, than an Army that fills up its Company with Mutineers.

Nor tend to yield up All to the Dissenters.

There is reason still, I am afraid, to suspect restless Importunities and Designs of extorting the whole; but my judgment of this House (and you need not suspect it) is, that it will never yield to them, and I hope for that reason they will not yield to some of these Proposals, tho I know they are ready to hearken to all that are peaceable and reasonable.

Nor will it be any discredit to us if some Dissenters refuse to acquiesce in it; but being offer'd will render it inexcusable.

That Dissenters should refuse to acquiesce in such Terms, one would, it may be, wonder, that did not know them; but you must expect that some of them will continue unsatisfy'd, and that Books against Episcopacy and Liturgy will fly, tho you should be a Bishop your self: Let our Church therefore, in the Name of God, perfect her self as she can, amend, supply, and retrench, as may be best for his Service, and the Edification of the People, and commit the event to the Divine Providence.

Methinks I could easily find a Cure for this Disease; for why may not those few that are Pastors, as you call them, of wealthy Congregations be provided for by the Church-Preferments? sure they will be considered.

And tho the interested Men may dislike it,

For my part I think that would be a less chargeable Gratification to them, than to expose our Church to irremediable Disorders and Factions for their pretended Ease. For to deal plainly with you, tho they have been pleas'd, it seems, of late to increase their Number by new Ordinations, yet I do not find the Church so ill provided as to want their Ministry; it did not in the late Exigency. And if there are of them that shall after competent study, really think the disputed Ceremonies to be unlawful; this to me is such a proof of their Weakness, as that they ought not to undertake to teach, and should in modesty be contented with Lay-Communion.

'Tis hop'd all others will approve it, its Conditions being easy both to Ministers, And to Laymen.

Now to the Laity a great tenderness is due, and there is place for charitable Condescension; they have taken up Prejudices from the wrong information of those, who pretending to instruct were bound to know better. They have not had capacity, or leisure, or opportunity, nay (as you intimate) have not been suffer'd to use the means of correcting their Prejudices; they are therefore indeed to be consider'd and treated very charitably. Let such then be permitted not to kneel, and the Minister be bound to admit them to the Communion at their desire; let the Minister be bound to baptize their Children without the Sign; let all reasonable ease be given them, and the Surplice, if you please, quite taken out of their sight.

The

The Laity by this means will have all the Condescension you propose, and enjoy their own Liberty in such things as much as they can desire, tho the Minister remains oblig'd: For if the scrupulous have their own liberty to stand, it is presum'd by the Project, that they will not be offended at any other, or at the Minister's kneeling; and what difference is there to them, whether the Minister kneel by command or by choice? I say not that the Surplice too may be left upon the Minister for the same reason; for if you suppose he may wear it voluntarily, without offence to the lookers on, why may he not wear it by direction without offence too? I know you intimate the old Objection, of *indifferent things becoming unlawful by their Impositions*: But will they be said to grow unlawful to me because impos'd upon another? That will be an unreasonable stretch of an Objection, that is so very unreasonable in it self, as to suffer no Ecclesiastical Appointments; and I will assure you, if our Church think fit to humor the Objection, she will be the first that ever did. You see I am ready to give all the desir'd satisfaction to the Laity; but as to the Ministers I do not see how they can be left to their choice, without more disorder and confusion than is fit to be suffer'd for their sakes: and I must take leave to tell you, that greater regard seems to be had in this Project to the personal Interests of a very few, whom we may well be without, than to the Peace of the whole Church.

The probable effect of this Bill so condition'd, I have ventur'd to conjecture; and you Divines should consider beforehand, the rather, because you are upon a new Experiment, and which no Church has ever thought fit to try. For tho the Reformed Churches abroad (you mean the *Calvinists*, as they are pleas'd to honour themselves with the Title, in contradistinction to the *Lutherans*, &c.) may appear to like your Project well, as no man discourages the Practice of his own Example, and as the *French* will never find fault with us for following after their Fashions; yet I am not satisfy'd of their mind so, but I shall do by them as we Laymen use to do by you Divines; I shall rather look into their Lives than their Doctrine, and see what course they take at home. Now I am afraid a Man would hardly be admitted a Minister of their Churches, that should deny to approve their Doctrine and Discipline; the Remonstrants, you know, say otherwise. The Churches of *France* were not us'd to give the Sacrament to any sitting, nor those of *Holland* to any that kneel, much less are they us'd to see their Ministers in contrary Postures; and if in any place they have sometime dispens'd with their manner, it was done out of a particular civility to some eminent Stranger, not ordinarily, and to those of their own Communion. Now I do not suppose that they keep to their own Rules out of any humour or opposition, but upon wise Considerations, and for the sake of Order and Peace; and I cannot think that they would ever advise us seriously to a Practice they do not follow themselves. A *Calvinist* Minister may indeed be glad, that he is without any more trouble made capable of an *English* Preference, and he may write such a Letter of Compliment to get one. But this is neither Authority nor Motive to our Change: And what need is there of a Foreign Oracle, or going to *Switzerland* for a direction for us in *England*? Shall Strangers be suppos'd to know our Circumstances better than we? And shall we never think our selves able to do our own business our selves?

If it has no present good effect, 'twill secure the next Generation, and satisfy Foreign Protestants, who highly approve of it.

I am glad they abroad look upon our Church as the Center of the Protestant Unity; a *Protestant* I hope she has appear'd now, and a *Center* I hope she will prove, by a speedy faithful Direction she will afford to the Protestant Circle (to use the *German* Phrase) for the uniting and supporting their common Council and Interests. Now for that Office she seems already to have the proper Position, and will, if she vary much, go out of her true place; for so much as she approaches to the *Calvinist*, so far she departs from the *Lutheran*, as friendly, and a much more considerable Body: But if she will be a *Center*, she must be fix'd somewhere, and she can never be serviceable to those abroad, if she be in disorder and confusion at home. Let us then settle our selves on Terms of Peace and Unity, and so we shall be the better able to assist the other Protestants: But in order to that Assistance, there is no need that we should part so much as with the Surplice, except you think the Preliminaries of the Protestant Treaty were about our Rubrick; or that the *Swede* or the *Lunenburger* cannot succour the *Hollander*, without subscribing to the Synod of *Dort*. However, we are to be guided by the standing Considerations of Peace and Unity at home, and not by these temporary Conjunctions of Princes and States, which may alter the next Year.

The acquaintance with those of your own Profession, must be larger than mine, and as the Margin saith, much better, for it is with the Truest Sons of the Church.

This Bill approv'd by the truest Sons of the Church,

But I assure you I know many, and those not inconsiderable, who have appear'd too for the Church's Cause, who are against this Bill as they hear it is fram'd, and who think it highly *for the Cause of the Church* to have it amended.

And is fit
to be pass'd,
tho not ne-
cessary for
Union.
Our Consti-
tution may
be improv'd
tho already
very good.
None but
Papists,
who have
hitherto
prevented
our Union,
can be dis-
pleas'd at
this Bill.

My Acquaintance agree with you perfectly in the general, that there is room for Improvement, and that Peace and Piety may be promoted by some Change; and many Thoughts they have spent upon it: but they think that this Matter should be regularly consider'd, and not done by a few hands, and on their own heads. And they are the more apt to suspect the Prudence of the grand Change that is after design'd, because they have so much reason, as they think, to dislike this preparatory Expedient.

There was, I believe, a Juncture lost at the return of King Charles II. and the Popish Party might have some hand in it, as we do the Devil no wrong when we make him a Party to any Mischief. But I believe the Circumstances of that Juncture were a great occasion of the loss, and that one Cause of it might be, the Extravagances of the Proposals the Dissenters then made: For I do not think that Men were so unwise, or so negligent at that time as they may be fancy'd now. Some were stiff, I believe, for every tittle of the old Form, and some were far more unreasonable against the whole. The Fanaticks in the mean while, and the Papists, were for no Settlement at all; and so for fear the Juncture should be intirely lost, it was thought advisable to stay no longer, but to resolve upon the present Establishment: tho it be not absolutely perfect, yet it is, I will say, more perfect than any other in the Christian World, and the prudence of it appear'd in the reception and general submission it had in some little time gain'd; as it would have prevail'd universally, had not the Papists, who found themselves no Gainers by it, broke in upon it by their Indulgence of 1671. and again spawn'd their Conventicles all over the Kingdom. The Papists we know will take advantage by our Discords, and this Bill I would have so order'd as not to occasion them. The Church, without the Dissenters, and united as she is in her self, has been able to make a glorious stand against Popery regnant: But if by the admission of the Dissenters she shall be broken and divided, she may grow weaker by her new Company, and not resist so successfully a second time.

This, I confess, is a favourable season, but not by reason of the *Protestant League abroad*; for, under favour, what breach of any Articles under that League will it be if our Church remain unalter'd? Or how does that League enable us to make ever the better Alterations? Favourable it is by our Circumstances at home, if we, who were almost comprehended in the ruin, we at least who were united in the defence of our Religion, would abate of our stiffness for or against smaller Matters, and would be ready to form such a Body as may be more firm and lasting?

May this favourable Season be discreetly us'd; and let it not be lost again by such Proposals as ought to be rejected. This Juncture will not be lost to the Publick, if some Men are not too sedulous to make it favourable to themselves.

I am, S I R, your Humble Servant, M. M.

Plain

Plain English : or an Inquiry concerning the Real and Pretended Friends to the English Monarchy.

With an APPENDIX, concerning the Coronation-Oath administred to
King James the Second.

Printed in
the Year
1694

The P R E F A C E.

Surrenderers of Charters, Abhorrrers of Parliaments, and of Enquiries into the Popish Plot, and other zealous Asserters of the Divine Right of Arbitrary Power, having shelter'd themselves under the Pretence of being the only Friends to Monarchy; it was certainly no more than needful to wash off those false Colours, with which they have impos'd upon Prince and People: to shew that Clergy-men have preach'd up themselves chiefly, while they strain'd the Prerogatives of the Crown; that they have seldom come to the People, but when they have been cast off at Court; and that the Lay-berd which follow them, were either as selfish, or such as Nature cut out for their Properties, having endued them with no Capacities or Thoughts of their own.

But that these courteous Leaders have been as stiff Opposers of the Wills of Princes as any, when Reason of State has oblig'd Courts to use Methods inconsistent with that separate Interest, which has been carrying on ever since Constantine's Devotion or Bigotry brought Poison into the Church. Nor is it a Wonder that Church-Men of our time gave the late King such a Dispensation from the Rigor of the Coronation-Oath, as may be seen in the Appendix, after he had made a Declaration in favor of the Church of England, as that was for Monarchy; since the large Endowments which Constantine confer'd upon the Clergy in much earlier days, made him pass for an excellent Christian Emperor, long before he was receiv'd into the Church by Baptism.

A Stranger to the Constitution of the Church of England, who observes how the Maintainers of the English Liberties have been declar'd and declaim'd against from Desks and Pulpits, and that a Man cannot demand Justice of the Betrayers of our Civil Rights without being thought to shake the Pillars of the Church, would be apt to think that the Church and State stand upon different Bottoms.

But all who are truly concern'd for the Honour of the Church, will surely joyn in whipping such Buyers and Sellers out of the Temple; and will endeavour to remove these Shelterers from behind the Altar, lest Men should pull that down to come at them.

The Church is never in greater Danger of Profanation, than when it becomes an Asylum, and gives Protection to them that fly from Justice.

It were easy by numerous Instances to shew what Mischiefs have hapned from such Sanctuaries, and yet Gold has often been the most sacred to those that keep them; who have in all Ages been the most complying, or most obstinate, according as they have been humoured or disoblig'd.

The Clergy-Men (the English especially) being for the most part of mean Births, unimprov'd by Travel, are the worst Politicians in the World, yet no Men have had greater Shares in publick Counsels and Changes. The Histories of all Ages are fill'd with their Mis-carriages, yet they have seldom drawn a greater Load of Contempt upon themselves, than by their late Violences, while the Court and they were well with one another: and nothing but the Insolence of some of them could abate that Pity, which was natural to the Observation how they were carry'd hood-wink'd to Destruction, and were made Tools to subvert their own Religion, and the Civil Rights of the People.

This

The Clergy
in the Inter-
est of the
Nation be-
fore the Re-
formation.

This must be said with Truth, that before the Reformation they were more steady to the Interest of England, than they have been since; and yet their very Changes seem to proceed from the same constant Principle. For as before the Reformation they had their Preferments by Provisions and Bulls from the Pope, they were industrious in enlarging the Power of their Benefactor; nor did any means seem more conducing to it, than siding with the People against the King, the sole Competitor with their Master; and, would you think it? In those days Clergy-Men were advanc'd for good Works in the Service of their Country.

Whereas in the two last Reigns the more noisy any of them were in running down those that appear'd for the Interest of England, the more certain were they of standing upon the Pinnacle of the Temple; nor will some scruple to say, that some of the pretended Martyrs in the last Reign made Proffers of their former Loyalty, if they might be again let loose upon that Party, which had gain'd a little Breathing from their Prosecutions.

Certain it is that since the Pope has been cast off here, these Men have known where to make their Court: The disposal of Preferments has a Charm next to Infallibility; which made a Man of much Note in our Church affirm, that Penal Laws ought to be enforc'd against Dissenters, that it may be no Man's temporal Interest to be of a Religion contrary to that of his Prince.

As we should not have had a Reformation at this Day but for the Laity, 'tis a Question whether some of our Clergy will ever quietly suffer us to cast off those Rags of Popery, which our Princes laid hold of upon disrobing his Holiness.

If the Opposition which many of these now give the present Government, to the Loss of those Advantages which they might enjoy under it, be thought an Objection to what I observe; it is to be consider'd that the French King is yet powerful, the late King at the Head of an Army, and his Lay-Friends here not so much discountenanc'd or discouraged as might have been wish'd or expected. Yet some are already for halving their Principles, and are willing to quit that inseparable Right which they have been contending for, if their Doctrine of Passive Obedience may be admitted to Court in this Reign.

But it is not to be imagin'd that they who would not have this King reign over them, tho they occasion'd his Accession to the Throne, as Storms and Tempests make way for fair Weather, should be the Favourites now.

Or that his Majesty should cut the Grass from under his own Feet, by supporting Men and Notions destructive of his just Title.

'Tis really wonderful to observe what Merit some pretend to, for opposing him, and the declar'd Ends of his Coming.

Yet hardly any thing is to be wonder'd at in this Age, in which the Betrayers of our Liberties set up for Patriots, and even English Men have been disposed to bear the Yoke of Slavery as the Ordinance of God, and to think Usurpations, by Methods and Crimes not to be nam'd without Horror, to be of his Appointment.

Thus some Men have made God Almighty the Author of Evil, in as gross a Sense as ever they wrested the Expressions of the most rigid Calvinist.

Notwithstanding all that I have mention'd, and other things over which I have cast a Veil, they now wipe their Mouths with the Whore in the Text, and think themselves clean.

The only Danger to the Government was upon turning the Tables, when Roscius could harangue no more true Patriots out of their Lives, and those destroying Engines, Quo Warrantos and Innuendos, with the pernicious Art which turned Words into Deeds, and a Closet into a House-top, ceas'd and were no more.

None were so likely to maintain the Rights of Corporations and of the Kingdom, as they who treacherously gave them up.

None so able and so eager to defend us against Popery, as they who took care to destroy or weaken all Protestants not of their Swallow.

None so true to the Interest of the Church of England, as they who lay a greater Stress upon its Ceremonies than its Doctrines, and who turned the Popish Plot upon the best of its Members.

None so powerful to persuade the late King to turn Protestant, as they who pray'd to God to keep and strengthen him in that Worship which they knew to be false.

None so fit to mind him of preserving the Laws and the Protestant Religion, as they who left him a loop-hole for Prerogative and Popery in the Coronation-Oath.

These and many more Particulars, in which it is difficult not to be a Satyrist, argue me in the following Account, to be rather an insensible Stoick, than an angry Cynick.

I know'tis said I am too free with great Names; but when such Names are set up against their present Majesties and the publick Good, and when the Example of one of them in refusing the Oath of Allegiance, in virtue of his adhering to the Doctrine of the Church

Who are
true to the
Interest of
the Nation.

Vid. Ap-
pend.

Church of England, is recommended to the Imitation of his Admirers by a spruce Chaplain, who talks as if he were preaching over a Martyr's Tomb, from which he expected such Miracles as were believ'd to be wrought at St. Becket's: At such a time to forbear to write plain Truths, out of an awful respect to Names and Shadows, would be declining the service of my Country.

As it has appear'd that they with whom I have taken due Freedom were extol'd beyond measure, 'twas but a piece of Justice to others, to shew that they have been as much cry'd down and deprest without Reason, and render'd Enemies to Cæsar, because they could never look upon him otherwise than as an indulgent Father of his People; not such an one as Sir Robert Filmer, his Successor the Observer, and others of that stamp would advance; but a Man ordain'd of God for a publick Benefit and Blessing: In short, a King William, and not a King James; or an English, and not a French or Teaguish Monarch.

It may be sufficiently evident by what is here hinted, and in the following Narrative, that none but the Whigs, that is to say, the Moderate both Churchmen and Dissenters, can in Principle be true to the English Monarchy, and to their present Majesties; while others are in Principle and Practice for the late King, and for that lawless Exercise of the pretended Rights of Sovereignty, to which they have tempted more Princes than one to their Ruin. Moderate Men true to the Interest of the Nation.

And yet when the late King was to fight that Battel, which was the last throw for his Crown, they fetch'd themselves off from Danger with that admirable Distinction, that their Doctrine requir'd only a Non-resisting, but not an Assisting Loyalty; and that Non-Resistance is as much as can or ought to be requir'd by the Sovereign Power; by which they always mean the Person of the Prince.

To examine the Grounds of the Opinions maintain'd on both sides, with all that has been materially urg'd by either from Reason or Authority; and to shew what Injury has been done to our present happy Settlement by Men of Professions and Principles not fit to defend it, is the Subject of a large Treatise ready for the Press: in which perhaps I may incur the danger of the ipso facto Excommunication pronounc'd in the Canons of J. 1. against all those Hereticks, who will not believe that we may find an English King in the Old Testament; or that the terrible Description of the way or manner of Kings, by which one would think that Samuel sought to divert the Jews from their intended Choice, was not made for an Example and Incitement to the Kings of England, to do things worthy of their Pedigree from Saul.

But they who will not take the Law from the Canons, and the Modes of Worship from the Cathedrals, I fear will hardly pass for true Sons of the Church, be their Conformity ever so strict, and their Pains for the Church's Stability and just Extent ever so great.

I must declare my self of the Church of England; no Man has a greater Veneration than my self for its Articles and Homilies, or for many of the Clergymen, who I am sure cannot think themselves concern'd in any thing here. The Author a Church of England-man.

Indeed I always thought the Church to comprehend more than the whole Body of the Churchmen; nor whatever the learned Bishop Sanderson holds, can I believe that the Bishops, Presbyters, and others, chosen by the Clergy, are so much as the Church-Representative, with Power to make Ecclesiastical Laws: I am sure I never gave my Consent to it, nor do I know that God or my Forefathers gave them that Authority.

Much less do I believe with Dr. Sherlock, that every Bishop has Right to make Laws, Canons and Constitutions in his own Diocese; for I must confess, whatever pretence Bishops may have to be Successors to the Apostles, I should think that the Lay-Brethren should at least be as much interested in Councils now, as they were when the Apostles presided.

Plain English.

IT has rarely hapned, that *Plain English* could steal abroad without being call'd *Malicious*, by them who could not answer it; or *Libellous*, by them who were deservedly jealous of the Press, and therefore the most fitting Persons to have the inspection of it.

Who have
been the
Betrayers
of their
Country.

Hence the Betrayers of their Country, having fatned themselves with its Spoils, were likely to have been transmitted to Posterity, as Men of Merit for their *Loyalty*. And those *Heroes* who fought it out in the Breaches, and whose Blood has been the fruitful Seed of those Liberties we now enjoy, to have been robb'd of their due Honours which would have been transfer'd to others, who, as Magpies, or such other insignificant Things, cure Agues, were thought to have reliev'd their Country, as they hapned to be the last, tho the weakest Assertors of its Rights.

Past and present Times shew by what good Fortune they were found in that Cause, for which the noble Lord *Russel* fell worried and unlamented by them, and without so much as their charitable Opinion of the State in which he died.

Nothing but a Liberty of Printing, given or taken, can hinder his Cause from being yet render'd vile, and his Ashes from being trampled on, without Rebuke, by every florid vindicator of Murders in Form, but without colour of Law.

Want of
Liberty a-
bus'd.

Those Times which these interested Writers would justify, are far from such as *Tacitus* commends, *Wherein a Man might think what he would, and utter what he thought*.

But sure I am, no Age is worthy of such an Historian as *Tacitus*, wherein any Man may not publish without Penalty whatever he will set his Hand to, and for which he stands ready to answer the Law: without submitting to the partial or weak Judgment of a mercenary Licensor; who will take care that those scurrilous Reflections upon our happy Settlement, and its worthy Instruments, which he licenses, may pass uncorrected.

For want of fit Liberty Princes have been abus'd, and Foundations sap'd, without publick notice: and whoever has seen and ventur'd farther than others, has been thought justly to suffer for being *righteous over-much*.

Be it as it will: As the Interest of my Country has ever had the Ascendent over my Affections, be that and Truth my Licence.

K. James I.
wanted
Courage.

The Cowardice of King *James* the First, as it made him betray the Protestant Interest abroad, naturally bred in him a distrust of his People, and servile Compliances with Foreign Princes from whom he apprehended any Danger. This made him earnestly sollicite a Match for his Son *Charles* with the *Infanta* of *Spain*. The Father's Fears, as it is to be hop'd, rather than the Son's Inclinations, occasion'd that flattering Letter to the Pope which hangs heavy upon *Charles's* Memory.

Popery en-
courag'd by
the Match
with Fr.

And tho the Match took not effect, the Papists obtain'd those Advantages by a cunning management of the Treaty, which were not easy to be retriev'd; and were confirm'd and enlarg'd by the Marriage with a Daughter of *France*; the mischievous Effects of which are visible, in that amazing List which is to be seen in *Rushworth* of Papists employ'd in that Reign in all manner of Offices.

Downright Popery would not pass with that King; but a *Laudean Prelacy*, or *British Patriarchate*, which was little better, had gotten possession of his Understanding, and prevail'd upon that Prince, who I believe was a very good Man, to do those Actions, which if he had not had the Churchmen on his side, would have blackned him almost as much as the old Monks do any of his Predecessors.

As the Violations in his Time of the Constitution of the *English* Government, are by no means to be justify'd; neither can any Man answer for his Discretion in losing *Scotland*, merely to gratify the Bishops here; who could not be satisfy'd with Uniformity in their own Churches, without making *Scotland* damn all that would not believe in *Athanasius*.

The Queen's Party finding the King's blind-side, struck in with seeming Zeal for the Church of *England*; but that they might secure a Retreat if that should not prevail,

vail, sent some upon the Forlorn on the other side : And, as Bp *Brambal* has rightly observ'd, till they came to acquaint one another with the Mystery, many of them were surpriz'd at encountering their Brethren in the Field. This must be said of them, That tho their Animosities among themselves may often proceed to great Heights, they never fail in joining against Protestancy.

Nor is it now to be doubted, but the Papists animated the Episcopal Party against Scotland, and against the moderate of their own Members here. And insinuating themselves into the Leaders on the contrary side, persuaded them to break off all Treaty with a Prince, who would gladly then have yielded very far, and was not of a Religion which could dispense with the breach of Oaths or Promises.

I find no Reason to disbelieve Bp *Brambal* and Dr. *Du-Moulin*, who offer Proofs, That the King's Death was but in pursuance of Popish Resolutions. K. Ch. I.
Death, the
Result of
Popish
Counsels.

The Anarchy which follow'd is a large Blot in our Annals. The wisest of *Cromwell's* Counsellors saw, that this Government could not subsist without Kingly Power. And tho his Reputation and Policy for a while kept up the *Protectorship* or *Regency*, 'tis a Question whether the then King of *Scots* would not have turn'd him out if he had liv'd a little longer. However, the determination of the other's Power, or any lucky Accident to the King, naturally made way for his reassuming the Regal Authority.

Yet while he was out of Possession, many of those who upon his Return made the greatest boasts of Loyalty, had either drawn their Swords against him, or servilely flatter'd the Usurpers. Nor were the Papists the most backward in such Submissions.

No Prince ever came to the Crown with greater Opportunities of making this Nation happy, and the Protestant Religion the prevailing Interest over Christendom, than K. *Charles II.* K. Ch. II.
might have
made the
Nation
happy.

But the ground of our Misfortunes, next to the vow'd Revenge for the Death of the Father, was, That he had renounc'd the Protestant Religion abroad ; the proof of which is but too strong.

Sir *Allen Brothrick*, who was with that King beyond Sea at the time of his first professing the Popish Religion, has been often heard to lament the burning of his Journal, wherein the very Day and Circumstances of it were entred. And I am assur'd, that one of his present Majesty's Chaplains (Minister of the Place where Sir *Allen* died) can give an account of his Deathbed-Declaration of what he knew in it ; with this additional Circumstance, that it was done in the absence of the old Lord *Culpeper* ; who knowing of it at his Return, fell into a great Passion, and told the King, he must never expect to see *England* again, if it should be known there. Presumpti-
on of K.
Ch. II. being
a Papist.

That Lord knew too much for a Protestant ; and it was thought fatal to him to have had no more jealousy of a Venison-Pasty, than he had entertain'd of his Master.

The Lord *Bristol*, who pretended not to be of the Court of *Rome*, tho he profess'd himself of that Church, if he may be believ'd in what he protested to the House of Commons, had given King *Charles* the same Advice which had been given to *Henry the Fourth of France*, if he would be truly Great, to be more a Protestant than he was. And perhaps this kept that Lord from receiving those Advantages, which otherwise his Religion and great Parts would have intitled him to. E. of Bri-
stol's say-
ing of K.
Ch. II.

But I never heard that it fared the worse with Cardinal *de Rhetz*, for advising that King in point of Prudence to keep to the Religion of his Country.

However *Mazarene's* sanguine Counsel prevail'd ; and how secret soever it was kept, many had got the hint of it, which occasion'd that Act which made it so highly penal to say, That the King was a Papist.

At his first coming, his famish'd Courtiers were very greedy : And they who had made their Fortune in the formers Turns, or encreas'd them by a neutrality, or compliance against their Principles, to be approv'd of neither by God nor Man, were best able to purchase Places of Trust and Profit. The old Cavalier had nothing but his Merits and Sufferings to plead ; which how much soever they weigh'd with the King, were very troublesom to a needy Courtier : therefore they had recourse to two Pretences for turning them off : One was, That others had been us'd to business, and therefore were more fit for it : The other, That Reason of State oblig'd the King to win his Enemies, and to trust to the Fidelity of his Friends. Hungry
Courtiers.

Old Cava-
liers.

This was the Management while the general Mart of Offices lasted ; and while that King seem'd to have no Inclinations of his own but to Pleasure, and suffer'd himself

himself to be carry'd like a Child with Leading-strings by his Ministers, and them who by driving away the indigent old *Cavalier*, engross the Name of *Royalists*.

The Services of others who had ventur'd all for their Prince, whom they believ'd injur'd, were past. But as most of them seeing the Tendency of the Queen's Party in the Time of *Charles* the First, as much press'd an Accommodation between him and his People, as she dissuaded it; so they were, at the return, for promoting an happy Settlement of the Nation. But the *Renegadoes*, or new Courtiers, out-vied them clearly in *Super-Loyalty*, and getting into Parliament, merited their sitting together so long, that they became a Reproach to themselves, and a Burden to the People, whom they loaded with unnecessary Taxes to feed themselves, and the new Male and Female infamous Courtiers.

Loyalists
who so
call'd.

They were the Men who were the Authors of those Laws which press'd so hard upon a great part of the Nation, that could not bow so decently and in such order as others.

Who garbled Corporations, and depriv'd Men of their greatest Civil Rights for a Ceremony, either insignificant, or of too great significancy: As particularly the Sign of the Cross, which their Canons have declar'd to be a Ceremony, whereby the Child is dedicated to Christ.

These are they who consented to the Repeal of the *Triennial Act*, which put it out of the Power of the Court long to discontinue Parliaments, or to turn them off when met, in less than fifty days.

These requir'd the Oath in their Intendment, contrary to the fundamental Liberty of the Nation, whereby they would make the King, and them who are commission'd by him, to be as irresistible, as their Severity against Dissenters would argue the Imposers infallible.

One would wonder how these Men, after they had shewn the Court that they were ready to merit their Pensions, should ever be turn'd off by it.

Tendency to
Popery.

They shew'd the Tendency of Popery plainly enough, but they were to make honourable Steps towards it. And therefore the King, not only finding their Salaries chargeable, but that they had some nice Punctilio's of Honour to be salv'd, propounded to them the granting him such a Revenue for Life, as might ease their trouble of meeting for the future; which made them first look about them to secure the continuance of their Salaries: And from that time, being jealous that their Master was not so sincere towards them, as their Truth to his separate Interest might require, they began to think of their being *Englishmen*.

But to return to the former part of that Reign.

Cavaliers
not re-
liev'd.

Was it not enough to raise any Man's Indignation, to observe that King often pointing at a thredbare *Cavalier*, who had wasted his Fortune, and most of his Blood, in the Service of his Father and Himself, to tell his Courtiers, *There goes as brave a Man as ever drew Sword in our Quarrel*, and yet not to relieve him from starving?

Papists at
the bottom.

The Papists, who under-hand play'd the Puppets which came upon the Stage, heightned the Resentments of some for former Sufferings, and the Jealousies of others, lest many should share with them. And as the King could have an easy Absolution for breach of his Word at *Breda*, the prevailing Faction gave him Colour for it, by taking the Matter upon themselves.

Sham Pro-
testant
Plot.

And to countenance their not coming to that Temper which the Nation expected, the first Sham-plot was rais'd upon Protestants: Great Numbers of them were imprison'd without pretence of Law, but merely for sighing for Liberty, or shaking their Heads at the mistaken Change. The Commitments were so illegal, that they were forc'd to make an Act to indemnify them for this violent Oppression of innocent Men; not being then so harden'd and flesh'd with Successes against the *English Liberties* to be past fear, as they were upon the like Violences afterwards.

But tho themselves admitted their Proceedings to have been lawless and arbitrary, they had their desir'd effect, in making severe Laws pass with ease against a sort of Men, whom they rendred Traitors to that Power which seem'd till then to protect them with an equal Hand.

These for a long time bore the brunt, till their Preachers being driven from them, their Trade stopt, civil Privileges ravish'd, and Families ruin'd, they were forc'd within the Church Walls; and no doubt but Jails, Fines, and Excommunications, aided with the Secular Power, are, next to *French Dragoons*, the most ready way to make involuntary Conversions.

But

But whether these were in earnest or no, this Peace, tho ever so uncertain, was contrary to the Designs and Interest of the first Movers at Court, who unless they could play one Party of Protestants against another, found they must yield to common Protestantism.

The Court therefore with such a stretch of Prerogative, as was in the Time of *Toleration granted.* James the First exercis'd in different Instances, by the Applause of the Churchmen, gave a general Toleration: Which some perhaps were so foolish as to own from the Grant of the Crown. Others were glad that what they always thought allow'd by God, when it might be done without Sacrifice, was become safe and seasonable.

Upon this the Pulpits took the Alarm; they who had advanc'd an unlimited Prerogative, distinguish'd away their own Doctrine, which being new, seem'd to bear the greater Latitude of Interpretation: The Ecclesiastick Drums call'd their Party to the Field, and they either wheedled or outvoted the confiding Men who wish'd well to the general Ease of the Protestant Subject; and understood not their Art, who were forward for it to get an opportunity to betray it.

The King finding he could not help his beloved Papists that way, again fell in with the Church, and great were the Endearments which pass'd between them. The Duke of York, who acted with a pretended Compassion for those Protestants which were oppress'd, was seemingly discountenanc'd. The Ministers of State, even *Clifford himself* (who profess'd himself a Papist at his Death) were zealous Sons of the Church of England. The Church and the Crown vied with each other in Complements; the Crown made every Ceremony sacred, and the Church fetch'd every abuse and enlargement of Power from Heaven. *What Counsels prevail'd in K. Ch. II. Reign.*

In the mean while the Court were under-hand carrying on a deep Design against the Protestant Religion, and the true Constitution of the Government. But *Rome* more subtle, gave so many several Parts, and its Emissaries were so faithful to their hellish Sacraments of Secrecy, that Plotters jostled Plotters in the dark. And the King, who thought himself worthy to be trusted with the whole Secret, began to start from them, at the discovery of their Design to take him off, as not having obstinacy or blindness enough to run over all the Rubs which lay in the way to the publick Profession of their Religion; for which the Jesuits thought all things ripe. *Court Designs.*

The King, like one rouz'd from a Lethargy, seem'd to have a new Life, and to infuse Spirits into the Nation; the generality of which distrust'd as little as they were guilty. But when day-light was let into their Designs, almost all professing themselves Protestants join'd in prosecuting the Plot, till some tracing it to *Whitehall* and *St. James's*, durst not move further. *Papish Plot.*

Others fearing the Effects of that general Union among Protestants, dangerous to Arbitrary Power, and to Engrossers of Preferments in Church and State, which that was likely to occasion, us'd all their Art and Industry to stifle or baffle the Discoveries, till at last they turn'd the Plot upon them who ventur'd furthest in unmasking the Plotters.

'Tis well known who oppos'd bringing them to Justice; nor is it to be doubted who were at that time most Friends to the Liberties of the Subject. The *Habeas Corpus* and *Test-Acts*, which *K. Charles's* Fright oblig'd him to pass, were yielded to the Importunity of the Whigs, who were known to have the far greatest Majority in Parliament; while the others, tho with unequal Numbers, fought it out with their wonted obstinacy against what was so displeasing to the Court, and with great Solicitation they got their beloved Duke (whom they knew to be a Papist) excepted out of that noble Act, which otherwise would have turn'd him out of the House of Lords. *Habeas Corpus & Test Acts, carry'd by whom.*

Being got rid of these Liberty and Property-men, they fell to fining, imprisoning, murdering, and assassinating those who durst be honest at the hazard of their Fame, their Fortune and their Lives. And had King *Charles* liv'd but one Year longer, giving countenance to the barbarous Insolences of those who deservedly have been call'd *Tories*, England had been as great a Slaughter-house, and the Quarters of its best Patriots had been hung up in all publick places, to shew Men how dangerous it was to prefer ones Country before the humour of a prevailing Faction.

Then Court-Divinity and Law had almost run down Religion and Civil Right.

A Conformity to the fashionable Mode of Worship was prest as necessary to Salvation; and whoever deny'd that the King could make Laws of his sole Authority, or that the Sovereign Power which makes, repeals, and dispenses with Laws, was *Dispensing Power set up.*

was inseparable from his Person, was thought no good Christian or good Subject.

The Scripture was thought to teach the Law of the Land, that to give Authority to Scripture, and the King to both: Nor is it to be wonder'd, that Men of ductile Reasons should hold this, when it was affirm'd by one of the Leaders, *That if the King be God's Vicegerent, he is upon that account as much above all as God is.*

Strains of
Loyalty in
fashion.

These strains of Loyalty from the Pulpit, were eccho'd back from the Benches at Westminster, and in the Country, and follow'd with inhuman worryings of all Opposers, till the late King mounted the Throne with the universal Acclamation of that set of Men, who were in such a transport of Joy, that one would be tempted to think they saw the Day which their Wishes, Prayers, and Endeavours had mark'd out as the utmost limit to their Desires.

Vid. Ap-
pendix.

That King, as he had reason, fell a courting that Party, which had not only secur'd the Crown to him, but put it in great measure into his Power to manage, according to the absoluteness of his Inclination; not only by the Advantages over the Constitution which they had put into his hands, but by the Salvo for Prerogative, which some of them knew to have been added to the Coronation-Oath, without allowable Precedent or Pretence.

V. Append.

And tho they were much displeas'd that he should so soon unmask, and take away the Colours which they were fond of, for imposing upon their credulous Party the belief of his being a Protestant, whereby he depriv'd them of that Reputation with which they pretended to serve the Church of England of Arbitrary Power; yet still they vow'd Lives and Fortunes. And they who knew what Reserve had been in his Coronation Oath for a Prerogative above or besides the Law, thought themselves oblig'd to pay that Obedience which they fancied he was thereby intitled to exact; as if a Coronation Oath, perverted by a Confederacy, could alter the Condition of an English King.

When the valiant Duke of Monmouth (who with the Roman Marcellus, experienc'd the *short and unhappy Caresses of the People*) was drawn into the Snare laid for him, they not only inculcated the Duty of Fighting to maintain the late King in his Station (which many of them think themselves not oblig'd to, in relation to this) but without any regard to Proof or Justice, join'd in, or encourag'd the clapping up all, who by their known Zeal for the Religion and Laws of their Country, gave them the least apprehension of an Inclination to join with the Duke, or to rescue the Constitution from them who had long made a Prey of it.

And if any Men had the hardiness to move for an *Habeas-Corpus*, the exorbitant Bail which was requir'd at their Discharges, and the recording it as enter'd into for the good behaviour, when no such thing was mention'd at that time, nor would have been consented to, made the Remedy worse than the Disease; nor would the binding over to this in a Court above suffice, but the same thing was requir'd over again in the Country: every Man knows to what end this was, and how industrious they were to make, or find Pretences for Breach of the good Behaviour.

——— *Quæque ipse miserrima vidi,
Et quorum pars magna fui.* ———

The unhappy Duke was led to the Block, and his Principles in relation to Civil Power triumph'd over on the Scaffold, by Men who might have entertain'd him with Subjects more suitable to their Office.

R. J. a Kings
after the D.
of Mon-
mouth's
Defeat.

The late King, heady in all his Enterprizes, thought by the Conquest of Monmouth, the general Submission of the Clergy to the Ecclesiastical Commission, that Iron Rod which hung over them, the Doctrine of the Pulpit, and Surrender of Charters retaken, with Power for him to displace Officers at Pleasure, till they might be cull'd to his Mind, he might do all things which the Cause of Holy Church requir'd: and well he might if he had but hit the right Key; considering that the most extravagant Notions for absolute Power had been more than Speculations, and were reduc'd and preach'd into Practice, even while there was an immediate prospect of his succeeding to the Crown, and acting all for the introducing of Popery, which hair-brain'd Priests could inspire into a resolv'd Bigot.

To the Divine Right of Succession, whatever the Supreme Law, the Safety of the People, may require, a Right which they would allow no Law, Fault or Forfeiture to alter or diminish, he owed his Crown, and to their other Illusions the Opportunity

nity and Temptation to do more towards accomplishing his Ends, than the just Prerogatives of the Crown could countenance, or the Courage of his Party otherwise attempt.

And while the noblest Patriots were singled out for Destruction, the People, like the hardened Jews, headed by their Priests, were taught to cry, *Crucify, Crucify.*

During which Ferment, the Fundamental Rights of the Nation were, with Safety to the Managers, shatter'd and betray'd by unprecedented Judgments for the Dissolution of Corporations, and dispensing with Laws; treacherous Surrenders of Charters, contrary to Oaths to maintain their Privileges to their Powers; which had certainly oblig'd Men to load the Courts of pretended Justice with the extorting them all, and not to commit that Ill themselves which they might fear from others. *Rights of Corporations given up.*

I know they will say that many of them had not Money to make Defences: which could be no Pretence for giving greater Countenance to the Designs of the Court by a Surrender, than they could have had by Judgment by Default.

The most would extenuate their Guilt, as if it would have been to no purpose to hold out, but dangerous to provoke a Court resolv'd upon having them one way or other.

These Men ought to consider, that the Success the Court had in this Enterprize, was owing to the Encouragement many of themselves gave in Practice, as well as avowed Principle. And if all had given what Delays they could, in all probability it had defeated the Design: However they ought to have expected God's Blessing in doing their Duty; and whoever omitted it out of fear of provoking Men in Power, may, with Mr. *Hobs*, make the outward Acts even of God's Worship to depend upon the Pleasure of the Prince.

But herein lay that King's Misfortune, notwithstanding the voluntary Sacrifices made to his black Purposes, that tho he might have made sure work of it, by going on in the former Methods, and still playing the prevailing Party upon them, whom they were ready enough to crush under their feet: These Methods were likely to be slower than could consist with that immediate Freedom for the Exercise of the Popish Religion, and employing Popish Officers, which his Engagements to *France*, and to his own Priests, urg'd him to.

This prompted him to impute his Deliverance from the Duke to the Assistance of Papists, more than Truth, or the forward Merits of others would bear, and to declare that he would not be depriv'd of their Services by that Law which incapacitated them. To give the Papists the Praise, and the rest of the Loyal Men the Apprehension that their Services would but make way for others more acceptable, might well make them look about them: And yet they profer'd Licence to as many Popish Officers as the King for their particular Merits should name, in which case he would be sure not to have been sparing; but he justly expected more from them, who were not used to deny any thing which he desir'd. *K. J. declares he will make use of Papists.*

If the sole Reason for refusing the King's Proposal, had been the breach of Law implied in it, 'tis not unlikely but they would as well have taken notice of the assuming a Revenue by Law determin'd, before it was resettled.

But they differing upon Terms, from that time the Pulpits and Press began to change their Note; then the Doctrine of Passive Obedience was to be evaded and distinguish'd into nothing, and not concerning the Constitution of our Government, or a confessing that Clergymen had gone beyond their Sphere. And the asserting that no Laws can derogate from the Power of the Prince, was to dwindle into the meaning no more, than that the Prince does not forfeit his Power if he goes beyond them. And tho all the Rights of the Sovereign Power which makes, repeals, and dispenses with Laws, was maintain'd to be so inseparable from his Person, that his most illegal Commands had the Authority of Sovereign Power; yet the Dispensing Power was deny'd to have been ever allow'd by them: And indeed they did not expect to have had it so soon turn'd against them that gave it. *That alarms many.*

Yet all this while the Principles were not renounc'd, but lay like *Goliath's* Sword for the Use of the Sanctuary. And as without the Spirit of Prophecy, it was foreseen that it would be us'd again upon occasion, the present Use of it as a Spiritual Weapon of some, who would appropriate the Church of *England* to their Faction, even against this Government, may sufficiently justify the reminding them of the Service it did them in the Reign of King *Charles* the Second, and at the beginning of his Brother's.

And

And he who observes how proud some are of that Off-scouring which they seem'd to cast away, will not condemn those Freedoms with such Men, which the Cause of our Country makes necessary.

Behaviour
of the Dis-
senter.

It must be own'd that some Dissenters, and others who had signaliz'd themselves by their Sufferings for their Country, finding a Relaxation of those Severities under which they had labour'd till they were spent, acted like Men newly come out of a dark House; their Eyes were dazled, and their Heads turn'd round at the surprising Change.

These fawn'd upon the late King, almost as grossly as their Oppressors had done. And they either basely, or imprudently, promis'd to promote the Repeal of those Laws which were the best Fence they then had against Popery, without providing for any other Security.

Some, 'tis likely, thought to over-reach the Court by such mental Reservations as are ever to be condemn'd. Others being too far transported with Resentment, were rather for putting themselves into the Hands of Papists, whose Cruelties they had only read in Story, or heard of at a distance, than into theirs, who they were sure would shew them no Mercy.

Regula-
tors.

These Men I must leave to inherit their own Shame: But I believe they are as few as Men who deserve the Name of *Regulators*, who went from Corporation to Corporation to model them after the Humour of the Court. Whose Parts admit of but two Excuses.

The first is, That what they did was according to a Power given the King, by those very Men who complain of it.

The other is, That if the chief Rule was to take in Men of the Interest opposite to them who had been in Power, in all probability it was the occasion of having the Corporations in much better Hands than they had been in. And that they would be more regardful of their Oaths than the Surrenderers had been. Besides it is to be observ'd, that few if any came in but upon the regular choice of Surrenderers, who continued in till they had admitted enough to turn themselves out.

The most of them who have gone under the Character of *Whigs*, were such, whom no consideration whatever could draw an Hairs breadth from what they conceiv'd to be the Interest of the Protestant Religion, and of this Nation. But knowing how easy and natural it was for the old Fondness between the Court and Pulpit to return upon the least yielding on either side; to prevent that Ravage which must have been the Consequence of new Acts of Love between them, when each must have given proof of their Sincerity, by sacrificing to the others Humours and Passions, they took Commissions and other Offices, from which the former Possessors were lawfully displac'd, either as their Grants had been at the first, only during Pleasure, or as their own treacherous Surrenders had made those which they had by Election as precarious. Tho they could not give up the Rights of others, they no doubt divested themselves.

Many therefore very honestly and legally succeeded into their Places, hoping thereby to be in Posts which might give them some Advantage of Authority to serve their Country upon Emergencies: But still they qualify'd themselves as the Law requir'd.

They were assur'd that it was in the Power of the Court to lure their old Friends when it pleas'd. And upon a Reconciliation, totally to enslave the Nation, notwithstanding the continuance of Penal Laws and Tests, by renewing some Commissions every three Months, taking in Papists, who might have Dispensations for all manner of Oaths, or others who would regard no Ties of Religion: Or else by acting to such height as might remove all Dangers of the Execution of the Law.

Upon which Considerations, several who had appear'd the forwardest in the Cause of God and their Country, declar'd a readiness to consent to the quitting those distinguishing Laws, provided they might have such in lieu of them as they should chuse.

Equiva-
lents in
lieu of the
Penal
Laws and
Test.

This *Dilemma* was then familiarly us'd; either such a Security as we propound to our selves, will be granted, or it will not. If it will be granted, no Man who considers the Disposition of them who before were in the Government, and the antient Constitution which they had violated, can deny, but if the Constitution could be restor'd, it would be a greater Security to the Nation, and Protestant Interest, unless we tamely yield it up when we were enabled to maintain it, than could be deriv'd from the particular Laws with such Men to guard as had before betray'd them; and the care about those Laws, which could signify nothing but as they were supported

ported by the Fundamentals, was but the adorning some inward Rooms, while the Foundation was undermin'd, and the Edifice falling.

But if, upon the Treaty, such Terms could not be obtain'd, after the proffer of whatever we could desire (and surely we might well desire the Restitution and Security of Fundamentals) such denial must apparently tend to the Confusion of the Propounders, who then must be left to stand upon their own Legs, when they demonstrated to all the World, That Popery was not only their Design in all, but what they would carry on at the utmost hazard, by themselves and Foreign Force.

Indeed, to three sorts of Men this Treaty seem'd dishonest.

Treaty not liked.

1. To them who believ'd that the Power which had been ascrib'd to Princes was inseparable from their Persons; that whatever legal Limits were set to that Ocean, might of right be overflow'd when they thought fit. And that they who endeavour'd to give Bounds to it, not only unreasonably distrusted God's Providence, but acted contrary to his Ordinance.

2. To them who always consulted their own Fears, or other Passions as weak; and knowing that it was criminal in themselves to enter upon any Treaty with their Prince, because of their common inability to deny any thing which he should insist upon (which was evident enough in their giving up Charters for fear of provoking) would, like Mr. *Hobbs*, make their own timid frail Nature a Rule to Mankind; as if they who had upon all Occasions shewn, that neither the most dismal, or the most flattering Prospects could alter their Resolutions, should, of a sudden, receive a transfusion of Sheep's Blood from the others, and their Veins had swallow'd up all the Manhood.

3. To them who were for ingrossing all Ecclesiastical and Civil Preferments to themselves, and Men of their *Super-conformity*, and therefore were for keeping all things upon the same narrow Bottom; lest if there were a Relaxation of Terms or Penalties, even to Protestants, there should have been too many Sharers in those Benefits, which made them cry so loud for the Church of *England* by Law establish'd. By which many of them meant, not so much the common Protestant Religion profess'd in this Nation, as those Distinctions, which whilst they enrich'd one Party of Protestants, disabled all others from assisting against the Common Enemy, and loaded the Men of Noise with *Demetrius* his Character.

If this Protestant Nation had, during the last Reign, had the guarding their Religion and Laws in such a manner, as not only the Wisdom of Parliaments might provide, but our Constitution has allow'd at all times, when all Confidence between Prince and People was broken; could it be imagin'd that in this Age of Light Popery could have made such Advances as it did, with that straining of Prerogative to which the Court had been encourag'd, even when it was as evident that it was intended, as when it rashly appear'd bare-fac'd?

Nor can they who were for Expedients to secure the Succession to a Papist in Reversion, justly condemn such points of Liberty as have often been obtain'd of Possessors as Matters of mere Right; or else, as such, left to the People undisputed. *Expedients propos'd.*

The Particulars I forbear to mention, not because I cannot shew and prove them; but because some of them have long lain buried in the venerable Ruins of Antiquity, and ought not to receive Prejudice in being nam'd, when one cannot stay to clear the Honour of their Descent.

Much less can they, who were or are for receiving the *abdicated King*, with or without Terms, upbraid those who were for treating, before they knew of his *present Majesty's* generous undertaking our Rescue.

And when it was to be apprehended, that if the late King could have the Advantage of taxing all Parties with an obstinate Refusal, to listen to Terms for their Security, the Numbers of *Irish* which were actually here should have been follow'd by *French* Dragoons: And he might have gain'd the same Advantage over those who would listen to no *Equivalents* or *Expedients*, which it is but too visible that his Brother did.

Nothing more exposes a Party, than to find those very things in which they seem'd to place the essential Difference from all others, to be quitted by them as soon as Interest changes. Who therefore could chuse but smile to observe, that some who had urg'd that Princes ought to be obey'd in all their Commands, not contrary to God's Law, should refuse to read the Declaration for Liberty to Dissenters? *Passive-Obedience Principles abandon'd.*

That they who blam'd Men for undutifully fettering Princes, should, when they were well back'd, make Overtures little short of the Nineteen Propositions to C. I?

Or that they, who must admit that our Dissenting Bishops did not scruple inviting the Prince of *Orange* to take the Government upon him before the late King left the Kingdom, should contend that they are the only true Sons of the Church, who left all things to God's Providence, without interposing themselves till he was actually gone?

Or who could have expected that that Bishop, who but a little while before had rebuk'd a very worthy and prudent Divine for preaching against Popery, should have been one of the Seven?

Or that he who mightily applauded the late King's League with *France*, as a proper means to curb the Fanaticks, should have been another?

Or that he who maintain'd the *Real Presence*, in such a manner as gave offence to the greatest Admirers of his Monkish Sanctity and Gesticulations, and gave countenance to the praying to Saints, by what he publish'd of their Intercession for us, while we celebrate their Memories, should have been a Third?

Or that the Duke of *York's* Chaplain in *Scotland*, whose Depth was fathom'd by Mr. *Marvel* in his *Parson Smirk*, should have been a Fourth?

The 7 Bishops commended.

I would by no means derogate from the Action, or rather Suffering: it was great for the Persons, lucky in the time, and crown'd with an Event, which it appears that some of them neither desir'd nor deserv'd.

But methinks it is not to be indur'd, that Ages of Sufferings in others, greater in Birth, and in all things truly praise-worthy, should be nothing in comparison with what befel them. The fulsom Praises which are given them for the first Act of that kind, would make one think, it was admir'd only for the Rarity, or extoll'd beyond measure, out of a pious Design of encouraging Men too backward in the Cause of their Country, to go on in the right Path to Fame.

But they must not expect that it will be as popular for them to stand off from this Government, as it was to have contributed towards it.

Some who have been great Losers and Sufferers from the Violence of former Times, take a liberty of saying, That some Men deserve a Reputation for the opposition which they gave to a *Popish King*, no otherwise than such as herd with, or connive at Robbers, till they come to divide the Spoil, and then fall from them and make Discoveries, because they are not allow'd that share which they merited.

However I think they are much more to be prais'd than they, who either make some express *Salvo* at the taking of the Oath of Allegiance to their Majesties, or declare that 'tis imply'd; and that notwithstanding their Oaths, they may rebel without incurring Damnation. Nor are they oblig'd to assist with their Persons or their Arms, to keep this King in his Station.

Reserved in taking the Oaths to K.W. and Q.M.

Which may deservedly give a Jealousy of many who promise *Fidelity* to the King, according to their Oaths, in which some are guilty of as notorious Equivocations as the Jesuits: And this is the rather to be suspected, because some of them absolutely refuse to thank his Majesty for the Deliverance which he has vouchsafed us. If it be said, that the Church of *England* is not concern'd in this, I would gladly know how it could otherwise have subsisted, and how long it could stand upon an Interest divided from all other Protestants: I say, not merely Protestant Churches, because some will allow of no Church where there is no Bishop, as appears plainly enough in the warm Author of *Vox Cleri*. Some of these, contrary to what our Saviour tells us of his Kingdom, would have it to be of this World; and fear lest if the Terms of Church-Communion should be more comprehensive of Protestants, they whom they call the only true Sons of the Church should be out-voted, or of less esteem. Certain it is, that the *lax* Interpretation of the Oath of Allegiance which some of them make and publish, gives such an Advantage to the Enemy of the State to betray it, as no wise Government will suffer.

Two Questions may arise upon this transient view of Affairs past and present.

1. Which of the divided Parties, either *Whig* or *Tory*, have all along been truest to the Interest of *England*?

2. Which is most likely to be firm to this Government?

It must be admitted that each Party will reject some of their own side as Reproaches to them.

Whether Whig or Tory truest to the present Government.

The *Whigs*, those who trusted wholly to the late Court; or, whoever they are, if any such can be found, who prefer a *Commonwealth* before a *Monarchy*, and are for altering this Form of Government, which the Wisdom of past Ages has moulded as equally as perhaps ever any was, for some *Eutopian State*, or other vain *Chimeras* of their own Brains.

The *Tories* will now at last reject the Guide to the inferior Clergy, and numbers of his Followers.

But when the Bishops Imprisonment shall vie with the Deaths of the Lord *Ruffel*, Col. *Sidney*, Mr. *Cornish*, or even Mr. *College* (who wanted nothing but Quality to make him Great living and dying) then shall the coming into Offices by virtue of the Surrender of others, or declar'd readiness to quit some particular Laws of known Benefit, for the sake of securing the Foundations, be a Crime equal to Surrenders of Charters, and the most outrageous Violation of the Liberties of the Subject.

Neither Party must be judg'd of by the Extravagances of some of them: and both will cast off them who have been sometimes with the one, sometimes with the other, and are to be found constant in neither.

But for a true Judgment of them both, in relation to past Transactions before his present Majesty's landing, it is to be enquir'd,

1. Which was most zealous in prosecuting the Popish Plot, notwithstanding all the Terrors which encompass'd it?

2. Which made the most useful Laws? And, whether the *Habeas Corpus*, and *Test-Act*, or the Acts for unnecessary and burdensom Taxes, regulating or garbling Corporations, against the Religious Assemblies of numbers of good Protestants, for settling the *Militia* with such Powers as are thereby given, and the Court-Oath, and that which repeals the Triennial Law, were most for the good of the People? *Whigs had a great share in passing the Habeas Corpus Act and Test.*

3. Which Party when in Power us'd it most according to Law? Or which strain'd the Law, or the Prerogative for subverting the Fundamental Constitution of the English Government?

4. Which sort of People 'tis most for the Honour of this Government to employ; they, who if admitted in, would raise a Jealousy in the People, that the old Instruments of Oppression are made use of for the former Ends? Or they who always kept to the Laws, even while they were in Power, and while they lay under the Feet of Men without Mercy, suffer'd, tho not with the Applause which the Bishops met with, yet with the true Courage of Confessors.

It may further deserve Consideration, Whether Men of those Arbitrary Principles which the others profess at this Day, will suffer this Government to be defended, as it was founded, upon the true Principles of Civil Right?

If their Principles are right, the late King would not act more arbitrarily than he had Divine Warrant for, and consequently all the Proceedings against him were groundless.

In relation to what has occur'd since his present Majesty appear'd here, in vindication of the Cause and Rights of the good People of England,

It may be consider'd,

1. Who were for the Regency, *Whigs* or *Tories*?

2. Whether they who were for a Regency were not so, upon the belief that the late King's Royal Power did remain? *Who were for the Regency.*

3. Whether such must not, if they are true to their Principles, suppose the late King still to be King *de Jure*, and consequently look upon this as an Usurper?

4. For a trial therefore which are for the Government: Suppose the late King should land with *French* and *Irish* Forces; and his present Majesty, as he certainly would, should march to give him Battel.

Which, is it to be presum'd, if left to their Liberty, would venture all on his Side against the other? Would the Men for the Regency act against their inviolable Monarch, from whose Person the Sovereignty is inseparable? No surely, *Touc h not my Anointed* would bind up their Hands as with a Sacred Spell.

'Tis the known Persuasion of such Men, *That People are made for Kings, as the Conveniences of Life for the use of Men*: And therefore they have a Rule, That while a King is kept out of his Kingdom, his presumable Intention is to govern: And as it is to be presum'd, that he would have his People preserv'd till a good Time for his Return, they ought to sit still while a Force is over them; but are to do nothing which may tend to his Prejudice. How far that Rule has been observ'd, may be hereafter consider'd.

APPENDIX.

The Author's Apology.

IF what I have before observ'd be true and rightly apply'd, I hope none that judge by Reason and not by Parties, will condemn me for placing those things in a true Light, which otherwise might occasion a Relapse into that State from which we are but newly recover'd, if we are yet recover'd.

If the naming the Extravagances of past Times be madness, as some are pleas'd to censure it, what was the committing them? That Intemperance needs small Apology, which Excess of Truth justifies, if not requires.

Indeed, to speak or write *Plain English* is not discretion, when a general Corruption has gain'd the Force of Law; but if the like Caution withhold all Men, and they think it well with the Publick while they are at ease, they will be but like careless Passengers, who sport themselves in a gilded Cabin while the Ship is sinking.

I would gladly know which is the happiest Man, he who dies with the first in defence of his Country, or he who having surviv'd the Funerals of his Relations and Friends, at last resigns himself to that Slavery, which honourable Death or Victory might have prevented.

As *Juvenal* observes of old *Priam*,

*Longa dies igitur quid contulit? omnia vidit
Eversa, & flammis Asiam ferroque cadentem.*

Of all those Particulars which the Service of my Country obliges me to publish, perhaps nothing seems more improbable than that some of our Church, who upon pretence of adhering to the Laws of this Government, disown the Power which requires an Oath of Allegiance to a Protestant King, should themselves assume or act under a Power assum'd over one of the Fundamentals of the Government, to give a Popish King a pretence to set aside the Laws which should have been sworn to without reserve: or that they should disown that very King's Power to dispense with late Laws, and yet join in the exercise of as great a Power over a Law mix'd and interwoven with the Constitution of the Government.

Substance
of the Co-
ronation-
Oath.

That the Coronation-Oaths have generally for substance been the same from the very Foundations of the Government, must not be denied: The Oaths of the most general Expressions implying as much as those that are more particular; not but that sometimes the Lords and Commons have prevail'd upon Kings before their Coronation to swear to some Charter drawn up for the present time, expressing some Rights which before had been controverted. Accordingly *Matthew Paris* shews a memorable Contest, 28 *Hen. 3.* for a Charter which was sworn to at one of that King's three several Coronations.

But that these Oaths cannot, without incurring a *Premunire* or higher Punishment, be alter'd or administred by Authority deriv'd from any Power less than the Legislative, is evident from the nature of the thing.

Whether such a Power has been usurp'd by others or no, let the following Forms speak.

King

King Edward the Third's
Coronation-Oath.

1 Edw. 3. pars 1. m. 24. dorso.

Arch-Bishop.

Sire, Voles vous grantier et garder, & per vestre serement confirmer au Poep^{le} Dengleterre les Leys et les Custumes a eux grantes per les aunciens Rois Dengleterre vos Predecessors, droitus et devotz a Dieu et nomement les Leys, les Custumes, & les Franchises grantez au Clerge & au Poep^{le}, par le glorious Roy St. Edward vestre Predecessor.

King. Jeo les grante et promette.

A B. Sire, Garderez vous a Dieu et a seinte Eglise et au Clerge et au Poep^{le} pees, et accord en Dieu entirement solonc vestre poiar?

K. Jeo les garderai.

A B. Sire, Freez vousz fair en toutz voz jugementz ovele et droit justice et discretion en misericorde & verite a vestre poiar?

K. Jeo les fray.

A B. Sire, Grantiez vous a teiner les Leys et les Custumes droiturels les quelz le Communate de vestre Roiamme aurai eslu et les defendrez et afforcerez al boneur de Dieu a vestre poiar?

K. Jeo les grante et promette.

Mr. Pryn's Epistle to his third Tome.

This, without any other Interrogation, Admonition, or Clause concerning maintaining and defending the Holy Church and her Liberties.

King James the Second's
Coronation-Oath.

*Liber Regalis apud Decanum Westminster.
And Sandford's Account of the Coronation.*

Arch-Bishop.

SIR, Will you grant and keep, and by your Oath confirm to the People of England the Laws and Customs to them granted by the Kings of England your lawful and religious Predecessors, and namely the Laws and Customs and Franchises granted to the Clergy by the glorious King St. Edward your Predecessor, according to the Laws of God, the true Profession of the Gospel established in this Kingdom, and agreeing to the Prerogative of the Kings thereof, and the antient Custom of this Realm.

King. I promise and grant to keep them.

A B. Sir, Will you keep Peace and godly Agreement intirely according to your Power, to the Holy Church, the Clergy and the People?

K. I will keep it.

A B. Sir, Will you to your Power cause Law, Justice and Discretion in Mercy and Truth, to be executed in all your Judgments?

K. I will.

A B. Sir, Will you grant to hold and keep the rightful Customs which the Commonalty of this your Kingdom have; and will you defend and uphold them to the Honour of God so much as in you lieth?

K. I grant and promise so to do.

The Request or Petition of the Bishops.

Bishops.

OUR Lord and King, we beseech you to pardon, and to grant, and to preserve unto us, and the Churches committed to our Charge, all Canonical Privilege, and due Law and Justice: And that you will protect and defend us, as every good King in his Kingdom ought to be Protector and Defender of the Bishops and Churches under their Government.

King.

With a willing and devout Heart I promise and grant you my Pardon, and that I will preserve and maintain you and the Churches committed to your Charge, all Canonical Privileges, and due

due Law and Justice; and that I will be your Protector and Defender to my Power, by the Assistance of God, as every good King in his Kingdom ought in Right to protect and defend the Bishops and Churches, and their Government.

Then the King arises out of his Chair, and goeth to the Altar, and there kneel-eth upon the Steps, and maketh a solemn Oath, each in the sight of all that great Assembly, to observe the Premises; and laying his Hand upon the Holy Bible, says,

These Things which I have here before promis'd, I will perform and keep. So help me God, and the Contents of this Book.

Hence it appears,

*Reflections
on the Co-
ronation-
Cere-
monies.*

1. That they who administred the Coronation-Oath to the late King, left out the Provision in the antient Oath for the Peoples enjoying St. *Edward's* Laws, being only concern'd for the Church, according to what others have very lately declar'd.

2. They us'd a special Clause, added to the old Coronation Oath, by virtue of which new Clause the King is bound not only to protect and defend the Bishops and Churches under their Government (where they divide the National Church into as many Cantons as there are Bishopricks) but he is forsworn if he do not preserve and maintain to them all Canonical Privileges: And if this be taken according to the former Part, where the King is oblig'd to maintain St. *Edward's* Concessions to the Church; 'tis a question how a Protestant King of this Realm could keep his Oath.

3. That which gives Countenance to Popish Church-Privileges, is requir'd of a Popish King without any Reserve; but the other which should secure Civil Rights, has a *Salvo* for Prerogative.

I may very well ask by what Authority the Coronation-Oath which the late King took was administred, and desire to see that Act of Parliament, Record, or other Evidence of Antiquity which warrants it. If the like Form is to be found in the Book of Oaths kept by the Dean of *Westminster*, that I dare say equally shews the Novelty of it.

If it be insisted on, that it is in the discretion of the Archbishop, and such other Bishops as he shall advise with, either to make or use a new Form; then I think they are equally inexcusable, in not taking as much care to secure the Protestant Religion under a Popish King, as they did for Church-Privileges, and for the King's protecting and defending Bishops, and the Churches under them; which he might do under Popery, with consistency to that Oath.

But great is *Diana*.—

A

A modest INQUIRY into the Causes of the present Disasters in England.

*And who they are that brought the French Fleet into
the English Channel, describ'd.*

Printed in
the Year
1690.

TO see the *French Masters at Sea*, and the *English Glory* thus sunk in the Eyes of all *Christendom* by a Complication of *Disasters*, cannot but raise the Curiosity of all true Lovers of their Country to inquire into the Source and Cause of so important Events. That we who have been able to make so great a Figure in the World, even long before the Accession of the Crown of *Scotland* to *Ours*, and to turn the Scale of *Europe* to whatever side we espous'd; and who have so often dy'd with our Enemies Blood the Fields of *France*, and acquir'd so many Laurels in that Country, should at this very moment be oblig'd to turn our Backs to that very *Enemy* whom we have so often beaten, and upon that very *Element* which Nature and the Possession of some Ages had made properly *our own*; who could ever have dream'd! Let us therefore inquire into the Causes of our present Misfortunes, and let us do it with that impartiality the Subject requires. It's but just the Authors and Abettors of *England's* Miseries should be retriev'd from Oblivion, and their Infamy should be handed down to the unhappy Children, that shall have Reason to curse their Fathers Villanies and Treasons.

England within these few years has been amus'd with three different Plots, and to be carry'd on by three different Parties; but at the bottom, we have had but one Plot, and that carry'd on and manag'd but by two Parties, in constant Friendship with one another. We first of all saw a *Popish* one laid open and discover'd, with as demonstrative Clearness, as such Hellish Works of Darkness could admit of. The King seem'd, and the Parliament and whole Nation did really believe the Reality of this Plot. But within a little time these two unhappy Parties, the *Papists*, and the High-flown *Passive-Obedience Men* (both equally the Cause of all our Woes) join'd hand in hand to turn this *Popish* Plot into ridicule; and by a complication of Subordinations, Intrigues and Perjuries, they at last got it hiss'd out of doors.

Then it was the Pulpits began to ring with Outcries against those *true blew Protestants* (as they and their admired Buffoon, *L'Estrange*, call'd them in derision) who had the sauciness to endeavour the Exclusion of the then *Duke of York* from the Crown, as the only means to save *England* from a Ruin that threaten'd her. There was nothing at that time to be heard, in the most of our Churches, but the *Divine Right of Succession*; the singular Loyalty of the *Duke* to his Brother; and the Horridness of the Attempt to set so Pious, so Generous, so well-natur'd a Prince besides the Throne: Yea, it was become a kind of Treason to dare to say, he was a *Papist*.

It was not enough the *Popish* Plot should be hiss'd off the Stage; our two loving Parties employ'd their utmost diligence to sham the World with a *Whig* Plot (for so they christen'd it) as the only proper Method to revenge themselves upon the wise and more moderate part of the Nation, that had been more forward than others in the Discovery of the *Popish* one. How this sham Protestant Plot was manag'd, and what Sacrifices were offer'd up to the Revenge of an implacable Prince, the barbarous Murder of the Earl of *Essex*, with the illegal Executions of the Lord *Russel*, *Algernon Sidney*, and many others, do speak out more than words can.

This *Whig* Plot was eccho'd in the Pulpits with all the villanous Names Hell could invent: And to be a *Whig*, was then a thousand times worse than to be a *Mahometan*. Every little Creature that had got into a Pulpit by the Beneficence of a Patron, perhaps as silly as himself, thought he could not sufficiently deserve his ten or twelve Pounds a year, unless he belch'd out once a Sunday, all the stench he possibly could against the poor *Whigs*; and indeed the so doing was the properest way to come

to Preferment. Now under the Name of *Whig*, they comprehended then, as well as now, not only the Dissenters, but all those of the Clergy or Laicks, that came not upto that mad height of *theirs*, in point of *Ceremonies, Passive-Obedience, Divine Right of Succession*, and the like.

Flattery
us'd to K. J.

King *Charles* being hurried off the Stage, God knows how; the *Duke of York* succeeds with the loud Acclamations of the two Parties I have nam'd, and with the *submissive Silence* of the rest of the Nation. Our Highflown Church-men strove, which of them understood the Art of Flattery best, in their Addresses to King *James*: And ev'ry *thirtieth of January* was solemniz'd with Peals of Ordinance from the Pulpits against the poor Whigs, for not only taking away the Life of the Father, but endeavouring to exclude the best, and the most pious Prince in the World, his Son, from the Succession, by that *accurs'd Bill of Exclusion*. Indeed this *Anniversary Day* had something in it like the *Bacchanalia* of *Rome*, wherein Slaves and Servants might safely insult and hector their Masters: And it often fell out, that a silly Fellow, who by Importunity, and perhaps worse means, had gotten into a Living, durst on this *general Madding Day* reproach to his Face his Patron that gave him Bread, merely because he was either a Whig, or at least would not bellow out Reproaches against that side, as loud as others.

But alas! poor King *James* soon lost the Kindness of these his former *Votaries*: For he who had been told every day, *he might do what he pleas'd, and was accountable to none but God*, thought he might safely venture to make trial of the *Passive Obedience* of them that told him so. Here he was mightily mistaken, and hence he may date all his Misfortunes. The Devil might much more justly say of these *Passive-Obedience Gentlemen* in relation to King *James*, than of *Job* of old in relation to God Almighty; *Do they serve thee for nought? Hast thou not made a Hedg about them, and about their House, and about all that ever they have on every side? But put forth thine hand now, and touch all that they have, and they will curse thee to thy face.* And as long as King *James* was caressing them, and giving them not only good Words, but good Deeds, especially a beloved Power to trample on the Dissenters, then it was, he was the best King in the World: But whenever his Jesuited Counsellors had advis'd him to infringe in the least these Mens Privileges, then their Complaints of King *James* were heard further off than *England*, and the very Nations abroad were deafen'd with the Noise of their trifling Afflictions; and indeed more they were not, if compar'd with what other People met with from that Prince's Ministers.

K. J. complain'd of by
Churchmen.

Prince of
Orange in-
vited to
come over.

Passive O-
bedience
Men for-
ward to
join with
the Prince
of Orange.

Then was there nothing heard of among these Gentlemen, but how far the King had broken his Oath to maintain the Church of *England*, and how far he had invaded their Liberties and Privileges, but especially in allowing a Toleration to the Dissenters. For a Toleration to Papists alone, they would easily have swallow'd; but that the Dissenters (whom in their Pulpits they had a thousand times over call'd worse than Papists) should be free from their Clutches, and enjoy a perfect freedom from their Censures, was a thing intolerable to them. Their secret Murmur broke out at length into open Complaints; and in fine, his present Majesty, then *Prince of Orange*, could get no rest from their Importunities; but come over he must, and settle things on a sure bottom: And they were most active in inviting him over to *England*.

The Prince, from a generous Principle of Zeal for the Protestant Religion, which was indeed by this time on the brink of Ruin, and which none had hasten'd more forward than our high-flown *Passive-Obedience Men*, undertook an Enterprize of the greatest Consequence that this Age has seen, and ventur'd his All to retrieve three Nations from a Fate that impended over them. The best and soberest part of the Nation rose for his Majesty upon his landing; and who prov'd more forward than some of our *Passive-Obedience Men* themselves at that time? They not only declar'd for him, they not only address'd King *James* for a Parliament in order to pinion him, which is all one on the matter as to detrone him; but likewise upon that King's going away, they meet with the rest of the Peers and Members of Parliament, and jointly invite the Prince to take upon him the Government, and to exercise a Power that wanted nothing of a King but the Name.

One would have thought that Party, and the Gentleman at *Lambeth*, their Head, had been very cordial in bringing about this Revolution, since they went as far as any of their Neighbours at first in all the Steps of it. But alas! We were mistaken, these worthy Gentlemen had other aims than we knew of. They concur'd in the inviting the Prince of *Orange* over to *England*; in declaring for him after he came; and in fine, in addressing him to take upon him the Government in so difficult a Juncture. But this was all in order to make use of the Prince of *Orange's* Name, Power and Interest,

to bring about the Redress of their trifling Grievances. That Prince they were resolv'd to make but a Tool of for their little self-ends, whereof one was the utter abasing of the poor Dissenters, and laying them at their Mercy. I confess I cannot but laugh at the insupportable Folly of these unthinking Creatures, that could imagine, the Prince of Orance, who made so great a Figure in Europe, and whose Presence was of so great necessity on the Continent, could be impos'd upon to come over to England in the heart of Winter, amidst a thousand Dangers, and at a vast Charge, and that merely to fasten, forsooth, a tottering Pillar or two in the Cathedral of Canterbury, or the Chappel of Lambeth. That illustrious Prince was born for greater Glories than those; and these poor Monkish Statesmen are not able to fathom the Genius of a Hero.

Their Design at first.

No reward but that of the Crown was sufficient for the mighty favour the Prince had done us, in delivering us from Popery and Slavery: And there was indeed no other means left to assure us of safety, in so perplexing an Event, as that of King James's going away, and the Consequences that did attend it. But to set the Crown upon the Head of a Prince, who being brought up in a foreign Church, they suppos'd would prove no blind Bigot to theirs, was a thing our High Priest and the rest of the Gang could not bear. A Popish Prince, so be it he would grant them a high hand over the Protestant Dissenters, they would rather trust on the Throne, than a Protestant one, who they knew would never consent to such Practices.

And here I would fain know of our Lambeth Holy Club, what mighty difference there is betwixt the inviting a Foreign Prince to invade by Arms the Right of their Jure Divino King (as they call King James) and thereafter addressing that Prince to accept of a Power, which only belongs in their sense to Kings; and that of swearing Obedience to that same Prince after he is actually declar'd and constituted King by the Nobility and Representatives of the People? How comes it that these Gentlemen were so free to do the first, and think it so unpardonable a sin to do the last? It's with conferring of Crowns, as with another Civil Contract, of which the Law says, *Multa impediunt Matrimonium contrahendum, quæ non destruunt contractum*: Many things may hinder a Marriage from being at first entred into, which cannot dissolve it after it's consummated. So many things might have been said to hinder the Crown from being confer'd upon his Majesty, which cannot have any place now, after he is by Act of Parliament settl'd in the Throne. And to any Body, but these that are wilfully ignorant, the inviting and assisting his Majesty against the late King, before the Crown was confer'd upon him, was a greater Invasion of their darling Principle of Passive Obedience, than the swearing to him after he is declar'd and acknowledged King by the Parliament.

Q. how the Passive Obedience men can reconcile their inviting the P. of O. with their Aff-ings since.

The King and Queen being thus settl'd on the Throne, we have immediately the effects of these mens inconstancy exprest in a third Plot, whereof we are now principally to treat: Which has been manag'd chiefly by the disaffected Clergy and Laicks; for the Papists have really the least Share in it. The first step the Clergy made, was the writing against taking the new Oaths to their Majesties, enjoyned them by Act of Parliament; and the buzzing into the Ears of their poor ignorant Votaries, the Unlawfulness of those Oaths, and the continuing Right of King James to the Crown.

The Plot against the present Government.

This piece of their Artillery, it was thought, would have done some considerable Execution: But alas! a great many of the Gentlemen themselves who had been industrious to persuade others to refuse the Oaths, could so little digest the loss of their Livings, as they chose rather to take these unlawful Oaths (as they call'd them) than to expose themselves to the least Suffering. And I remember a pretty Story of a Reverend Divine in the North on this Occasion: He had damn'd to Hell in his Sermons, all that rose for King William, before he was declar'd King; and ever after he was declar'd and crown'd, to this very day, would never pray for him: He had in all Companies, but more especially among those of his own Character, exclaim'd against the taking the Oaths, and told them over and over again, that he had rather beg than take them: His Insinuations, and (as they expected) his Example, prevail'd with a great many of the poor Parsons and Curates of the Country, to let the time expire that was appointed for taking the Oaths. But the Gentleman himself, the very last night of the prefix'd time, comes stealing in to the Magistrates of the Town where he liv'd, and takes them without any Scruple. But enough of this worthy Divine.

An instance of a Clergy-man in the North.

There being very few of our disaffected Clergy that had the Courage to lay down their Places for the Oaths, the next step of the Plot was, to cheat the World and their own Consciences with a ridiculous and foolish distinction of taking the Oaths

Foolish
distinction
of King de
jure and
King de
facto.

Equivoca-
tion in
their Pray-
ers for the
K. and Q.

Liberty to
preach not-
withstand-
ing the Act
of Parlia-
ment.

History of
Passive O-
bedience.

New Litur-
gy contri-
buted.

to a King *de facto*, but not *de jure*. The Design of this Distinction was first to save their own Consciences, and to vindicate themselves from the Reproaches of their Comrades, who had absolutely refus'd to take the Oaths. And 2ly, To bear it upon the minds of the People, that their Majesties were not lawful and right-ful King and Queen of *England*, but *de facto* only, that is, in plain *English*, Down-right *Usurpers*. This was so little adverted to, even by some of the honest Clergy, that in several of their Writings for *taking the Oaths*, they seem'd to grant the Distinction; which was indeed upon the Matter a granting the Question, tho these worthy Persons had no ill Intentions in it. And indeed what could be more efficacious to alienate the Hearts of the People from their Majesties, than either to suppose them King and Queen *de facto* only, or to buzz into the Peoples ears, that in swearing Allegiance to them, they thereby acknowledg no lawful Right to the Crown to be in their Persons? This distinction did not only give them scope to take the Oaths to their Majesties, but also to pray for them by *Name* in their Pulpits. But yet some of them, of more Sincerity than the rest, would not pray for them by Name at all; and yet to prevent any Trouble from the Law, they wisely pray'd in *general Terms* for the King and Queen. Here was a pretty way of playing fast and loose with God Almighty: He might take it in what sense he pleas'd; either for King *James* and Queen *Mary*, or King *William* and Queen *Mary*: And thus both God Almighty, and the Act of Parliament were satisfy'd. Others of a more nice Stomach yet, would not pray for the King and Queen, but for the King and the Royal Family: A rare Master-piece of Wit! The word King takes it either King *William* or King *James*, and the Royal Family takes in all: And so be sure, the *Parson* must hit write one way or other.

The next step of the Plot was this: The Act of Parliament enjoyning the Oaths to their Majesties, it seems, admits of some favourable Interpretation in Law, upon the part of those that only preach, but have no Cure of Souls. Before they came to hand out this noble Invention, the Plot was lame, because the Machines that mov'd it, were debar'd from the Pulpits, where their Train would take best. The whispering in Corners was only small Shot, but the Thunders from the Pulpit would certainly do mighty Execution; and no fitter Place to erect a Battery, than upon a Velvet Cushion.

Some wise Lawyers having found out this happy Defect in the Act of Parliament, one of the greatest Champions was detach'd from the Body of the Army, to beat the Road, and try this new Experiment. And then D. S. with the loud Acclamations of the Party, mounts the Chair first; and as an Introduction to his Sermons, gives his Auditory an Account of the happy Discovery he had made, of so great a Bleisling to Mankind; as his having Liberty to preach to them, notwithstanding the Act of Parliament about taking the Oaths.

This *Achilles* was follow'd by a great number of lesser *Mermidons*; who partly by stealth, and partly by the Pious Zeal of some of their own sort of *Church-wardens*, got up into some Pulpits in *London*, and a great many more in the Country; where they were led about in Triumph. This was a downright Invasion on the Act of Parliament; for it was never the meaning of the *Lamgivers*, that only the Cure of Souls should fall under the Compass of the Act, and that those who would not take the Oaths, might have leave to preach, and thereby Trumpet up the People to a Dissatisfaction with the Government.

All these steps of the Plot were to be back'd with another Engine of theirs; and that was the publishing to the World the History of Passive Obedience. In order to this Master-piece of Learning (for so must certainly a bare Collection of other Mens Writings be) a Reverend Club meets at *L.* where they muster up a great many Expressions of *English* Divines, both Antient and Modern, to establish their Notion of Passive Obedience. Altho the most of the Citations of this Pamphlet be far wide of the Question, and refer only to Obedience to Magistracy in general, and the Unlawfulness of private Persons their rising up against the Government upon every frivolous pretext: Yet this silly Pamphlet was handed about in Triumph among the Party, and it was a damnable Sin for any of the Gang to want it off his Table; yet many times the Bible that lay there before for fashion, was remov'd to give place to this new Guest.

But alas! All that's past, was but small drops before the Deluge of Rain that succeeded. The next Engine of the Plot is the happy Result of a kind of *Oecumenick Council* of the whole Party: The Liturgy of the Church of *England* must be laid aside, and a new one must be calculated for the Meridian of King *James's* tottering

ing Fortune: And the greatest Wonder of all is, That the Council who publish'd this new Liturgy, did not usher it in with, *it seems good to the Holy Ghost, and to us.*

In this new Liturgy they insinuate to the World, that in effect all that are for their Majesties Interest, were without King, without Priest, and without God in the World. A dreadful Doom, before a terrible Tribunal! None are indeed at this rate, within the Compass of the Church, but this Holy Jacobite Club, and their Followers. But let us hear the very Words of this part of the Liturgy; *Restore us again (say they) the publick Worship of thy Name, the reverend Administrations of thy Sacraments; raise up the former Government both in Church and State, that we may be no longer without King, without Priest, and without God in the World.*

But the loudest blast of their Trumpet we meet with, when they come to pray for the late King James: it's here the Holy Club has exhausted all their Rhetorick and Zeal in the following Words. *Send forth (say they) thy Light and thy Truth, and let them preserve us. Protect and defend thy Servant our Sovereign Lord the King. O prepare thy Loving Mercy and Faithfulness, that they may preserve him. Strengthen his hands, and the hands of all that are put in Authority under him, with Judgment and Justice, to cut off all such workers of Iniquity as turn Religion to Rebellion, and Faith into Faction (a pretty gingling of the Letters, mightily conducing to the Force of the Prayer) that they may never prevail against us, or triumph in the Ruin of thy Church among us. To this end defend the King, bind up his Soul in the bundle of Life, and let no Weapon form'd against him prosper. Be unto him a Helmet of Salvation, and a strong Tower of Defence against the Face of his Enemies. Let his Reign be prosperous, and his Days many. Make him glad according to the Days wherein thou hast afflicted him, and for the Tears wherein thou hast made him suffer Adversity. Give him the Necks of his Enemies, and also every day more and more the Hearts of his Subjects. As for those that are implacable, clothe them with shame; but upon himself and his Posterity (that is, the Prince of Wales) let the Crown flourish.* I have been at the pains to copy out thus much of the Prayer, that we may thereby see in what a praying Frame the Gentlemen were, when they compos'd it: And the Truth is, I do not remember we ever saw them so transported with an extatick fit of Zeal, in all their Prayers for King James when he was upon the Throne.

The General Council having thus compos'd this new Liturgy, there were above 10000 of them printed and dispers'd up and down among the Party. And to this very day they use them in their Cabals, laying aside a great part, and sometimes all the old Liturgy: For alas! the old Liturgy comes not up to the Heat and Zeal of this new one; and how many old Women are become very devout upon it, that had almost been worn out of all Love for the Old one many Years ago; especially if they have any little odd Mony to spare to the poor distressed Clergy, that have left their Places for pure Conscience sake.

Now at the very time the great Guns of these new Prayers are thus furiously playing, the Club are working a Mine under Ground to widen the Breach, in order to a general Assault. There are a great many of King James's Officers, and other Well-wishers about Town, that must be taken care of, until things be ready for a final Insurrection, wherein there will be use for them. To this effect there are so many of the Holy Club detach'd up and down, to persuade monied People, who wish well to the Cause, to contribute for the subsistence of these cashier'd Gentlemen. There are no inconsiderable Sums of Mony levied and paid upon that account; among the Collectors of which there must be one Fellow that eat King William's Bread. And certainly it were worth the while, to be present at one of the Meetings of the General L. Club, to hear what extraordinary fine Persons they extend their Care and Charity to upon this account; and to learn the little Arts these great Statesmen put in Practice, to persuade the silly old Women to tell down their Dust, for carrying on so Pious a Work.

But now I come to the main Points of this noble Contrivance, and it may indeed be called the Plot by way of Eminence; all that went before being but an Introduction to it. His Majesty from a noble and boundless Courage, will needs venture his Person once more for the safety of these Kingdoms, and his Journey to Ireland is concluded upon: In order to this Expedition, the most and the better disciplin'd part of the Army are to attend his Majesty; and it will be impossible to leave any considerable Force behind him in his absence. Like as the Transportation of the Queen of Spain, and the Convoy of the Straits Merchant-men, had carried a considerable part of our Fleet to the Mediterranean: And another part of it was to attend

Passages of the new Liturgy.

The Prayer for K. J.

Ten thousand Copies of the new Liturgy printed.

Moneys rais'd.

K. W. his Expedition into Ireland.

tend his Majesty and the Army to *Ireland*: So that our Fleet was not to be so considerable, as otherwise it would have been.

K. J. and
the French
K's Inter-
est linked
together.

All these Circumstances raised the Courage of our Plotters; and now was the only and fittest time to give the blow: In order to which, their mighty Patron the *French King* must be induc'd to act a considerable, and in effect the most dangerous part. They knew that his own Interest was linked intirely with that of King *James*; and that it concerned as much the *French King* in this Juncture to support King *James*, and to maintain a War against King *William* in his own Kingdoms, as if the Kingdom of *France* it self were at stake. The *French King*, from long Custom, knew how to improve his Gold in *England* to advantage, and many a considerable return had he made of that sort of Trade. Our Plotters know best the Genius of the People, and where to bestow this Gold to the best advantage. They had been well acquainted with all the Villanies and Treacheries of the two last Reigns; because some of them had a considerable share in them: And they wisely considered, that if they, by some *French Gold*, could gain Offices or Places to those of their own Party, then they would be Masters of all the Secrets of the Nation; and it should be their own fault if they improved not the Intelligence they might have from them, to the forwarding King *James's* Affairs.

It was not only Places and Offices, wherein Intelligence is properly to be had, but even those in the *Fleet* and elsewhere, our Plotters expected to have Men of their own Stamp put in with their Gold: And whether they fail'd in the last or not, I cannot tell; sure if they did, it was not for want of Pains or Mony, for they spar'd neither.

The Memo-
rial of the
Plotters to
the French
King.

The King being gone; Admiral *Killigrew* being in the *Straits*; and Sir *Cloudefly Shovel* in *St. George's Channel*; and the *Holland Squadron* not yet join'd ours, nor ours fully met: Then was the time for our Plotters to put their long thought-on Design in Execution. In order to which, at one of their General Meetings in *London*, where it was necessary some of the Clergy should be present to Bless so Pious a Work; it was concluded to give in a Memorial in Name of the Loyal and Distress'd Subjects of *England* (for so they nam'd themselves) to his most Christian Majesty; Humbly inviting him, out of his extraordinary Goodness, and for the Affection he always bore to oppress'd Virtue, that he would assist them in restoring their lawful King, his antient Ally and Confederate, to his Throne; and in breaking the Yoke of Usurpation, under which these three Nations were at this time so heavily groaning. But it will be absolutely fit here to insert the very Words of their Memorial it self, as it has been discover'd by a certain Person of late, and as it was express'd in the *French Tongue*, in which it was Originally written, and given in.

The MEMORIAL is thus:

To the Most Serene and most Invincible Prince, *Lewis* the Great, His Most Christian Majesty; the Memorial of the Loyal and Distress'd Noblemen, Clergy, Gentlemen, and others, of all Ranks, within the Kingdoms of *England*, *Scotland* and *Ireland*, at present under the Fetters of a Cruel Usurpation.

Great and Invincible Monarch!

THE Resplendid Rays of Your Majesties Virtues have render'd all the World your Adorers: And that Inherent Goodness of which Your Majesty stands so transcendently possess'd, does render You the only Sanctuary of all the Distress'd. It's in the Confidence which this Your unparallel'd Goodness gives us, that we in all humble Duty presume to lay our Sighs at Your Majesties Feet: And that we Implore Your Royal Favor and Assistance, to rid us out of the great and insupportable Afflictions we lie under at present.

It's in your Royal Arms and Bounty we repose our Hope and Confidence; and expect to see Our Lawful King, Your Antient Friend and Ally, restor'd to the rightful Throne of his Ancestors, out of which Wicked Men have thrust him. And because this is the most proper time for your Majesty to assist us with the expectation of Success, we have presum'd to lay before you the present favourable Circumstances, that do concur to make your Majesties glorious Enterprize the more easy; which are principally these.

1. The Prince of Orange, the Usurper, is just now on his Journey to Ireland; and being once arriv'd in that Kingdom, if a part of your Majesties Fleet were able to block up St. George's Channel, the Usurper's Army would certainly be starv'd, being that all their Provisions come by Sea from Scotland, and England; and that part of the Country they are Masters of, is already baras'd and ruin'd by both Armies, both the last Year and this.

2. The Usurper has partly sent before, and partly takes along with himself, the whole almost, and the better disciplin'd part of the Army: And leaves behind him but a very few of the English Regiments; who serve more out of Necessity and Fear, than out of any Love to him or to the Interest.

3. The Forces he leaves behind are so very few, that they are scarce capable to keep Guards in the Tower, Savoy, Somerset-house, and at Whitehall altogether; and the three Regiments that are sent for out of Holland, will not be yet ready for some weeks to embark; neither is it thought they will stir a foot, because of want of Pay. Like as both Officers and Soldiers are not entirely devoted to the Usurper's Interest, the most of them being in the Service of our lawful King, before he was necessitated to leave us.

4. Most of our Fleet are at so great distance one from another, that they cannot this Year make any considerable Body, there being the best and ablest Seamen and Ships with Killegrew in the Straits, and with Shovel in St. George's Channel, amounting together to no more than nineteen Ships of War.

5. There are likewise employ'd for Convoys, and about the Western Coasts of Scotland, to the number of five or six Ships, all separately.

6. The Dutch Squadron is in no appearance to be here to join ours of a sudden, both because they are not yet in a readiness, and that the Admirals of Holland make scruple, and are highly discontented to serve under our English Admiral. Moreover, tho they were join'd us, they will but make up at the most twenty Sail of Ships, and them none of the best, considering their tallest and best mann'd Ships are out upon Convoys.

7. Our own Fleet is ill mann'd, and the Soldiers and Seamen extremely discontented for want of their Pay; several of the Officers were those that belong'd to our King before he went away.

There are Five more Articles in this Memorial that for certain Reasons I will not copy out, only I'll tell the Reader they are of a piece with the rest, and full as ill. Here are some Truths, but a great many more Lies, and such as none but People of their Gang could be capable of. And if the Reader's Curiosity tempt him to be very inquisitive how this Memorial came to light, let him wait but a little, and perhaps he will see both it, and the Deliverers and Contrivers of it made publick enough.

It might be thought strange, that this General Council should venture their Credit to invite the French King over to England upon no better or surer Grounds: for, by the bye, the Design of the Memorial was to bring them over; and there had been some two or three other Memorials before this, over and above a constant Correspondence betwixt the French Minister Monsieur de Croisie and them. But the very Truth is, The Clergy who were the great Contrivers and Managers of this, and who by their Profession are for the most part extraordinarily credulous of any thing they incline to, did really believe, that immediately upon the appearing of the French Fleet, and the burning of ours (which they thought as sure) there would certainly be a general Insurrection through a great many places of the Kingdom, in order to join them at their landing, and to declare for King James. They knew how busy they themselves had been to buzz into the ears of all People they had any Interest with, Jealousies of the Government; and the reasonableness of calling back a Prince that was, by an unalterable Divine Right, their King. They knew how busy they had been in every Corner, to whisper the great and heavy Taxes the Kingdom lay under in this Reign; and how greatly Trade was decay'd of late. When in the mean time these Wretches were conscious to themselves, That we had given more to King Charles to throw away upon his Whores, than we had given to King William to reduce Ireland to the Crown of England. They likewise knew, that the Dissenters had been of late a little disoblig'd by the continuing the Sacramental Test, and by the 500 l. Bill, and some other things that seem'd very hard, considering their hearty affection to King William's Interest. They knew that some of the most moderate-part of the Church of England, call'd Whigs, had met with some Mortifications of late, in the Elections for Parliament, but more especially in the change of the Lieutenancy of London. They were also pretty well acquainted

Reflections
on the Memorial.

Changes in
the Lieutenancy of
London.

quainted with the Temper of some Men in Offices both in the Lieutenancy and Militia, who had gone a considerable length in the high-flown Courses of the late Reign. And they were easily induc'd to think, that they who had gone the greatest length in betraying the Liberties of the City of *London*, and in packing up *Juries*, and the like, could never be cordial Friends to the present Government. All which things prevail with these new kind of Statesmen to believe, that a general Insurrection in *England* was one of the easiest things of a Thousand; considering the Absence of the King, and some other things mention'd in the *Memorial*. But they counted without their Host; and whether out of Fear, or want of Power, none of the Malecontents of *England* durst stir a foot in the Cause they wish'd so well to.

What the
French did
upon this
Memorial.

Sets out a
mighty
Fleet.

Providence
favourable
to us.

The *French* King giving ear to the Representations and Importunities of these Gentlemen, put all his Wit on the rack to get Mony to equip the greatest Fleet that ever that Nation set to Sea; and at a vast Charge he brought the *Thoulon* Squadron round the whole Continent of *Spain*, and thro the *Straits* to join his *Brest* Fleet: He left not behind one Seaman that could be found in *France*, and scarce one Ship more of any Force in all his Harbours. Upon the notice given him by his trusty Pensioners here, he directs his *French Armado* straight for the *Isle of Wight*, where our Fleet was to rendezvous; and if it had but arriv'd there some few days before it came, we had not had twenty Ships together at that place: Yet so near were we to ruin, that albeit our Fleet was become by that time pretty strong, and most of the Ships arriv'd; yet if Heaven had not turn'd the Wind in a Moment, they had every one of them in all probability been burnt at Anchor. The *French* Fleet passing in sight of *Weymouth*, the Mayor of that place did very wisely dispatch two Expresses, one for the Queen, and another for my Lord *Torrington* the Admiral: But the Wind blowing a fair fresh Gale, the *French* Fleet had certainly been amidst ours before the *Weymouth* Express could possibly reach *Portsmouth*, if the Wind had continued but some hours longer. Our Fleet being in this imminent, and almost inevitable hazard, and the *French* being within a few Leagues of them, the Wind in an instant turn'd about, and put a stop to their design'd and easy Victory, by obliging them to lie by.

This happy Providence counter-acted all the Plots of our Enemies both at home and abroad, and we had time given us to prevent the Destruction that threatned us. And to compleat the Mercy, it fell out that at that very precise time this hapned, there was a full Discovery made by some Persons here, who had been concern'd in the Plot all along, of their whole Affairs and Transactions both with *France* and at home.

We read of one of the Nations of *Asia*, that when any signal Misfortune befalls their State, they immediately thereupon offer up to their angry Deities some of their Priests, as a Sacrifice to atone their Wrath; because, say they, *Those Priests ought to have taught us how to have pleas'd the Gods so as not to provoke them to inflict such Judgments upon us.* The truth is, it's a wonder the *English* Nation, upon the Affront that has befallen them, in being forc'd to turn their backs to the *French* at Sea, have not in their fury De-Witted some of those Men who have brought all this upon us, both by inviting the *French*, and by the Intrigues they have manag'd at home: And I must tell them, that the Crimes of the two unhappy Brothers in *Holland* (which gave rise to that word) were not fully so great as those of some of them; and yet their Punishment has been one of the severest that any Criminals ever met with in this Age.

Seamen a-
gainst the
Plotters.

The Glory of
the *English*
Naval
Power pre-
serv'd in
the Times
of Usurpa-
tion.

I am very inclinable to believe, that all the Officers and Seamen of the Fleet have been Proof against the Insinuations of our Plotters; and that they have not yielded to the Temptations of *French* Gold; tho at the same time I do not doubt, they have been assaulted with both: And if so, the wonder is the greater, if it be true what is talk'd so freely up and down, That a great many of the Officers have bought their Places with Mony. It's hard to believe there are any such Practices in *England* as the buying and selling Places, especially those in the Fleet, upon which depend both the Safety and Glory of *England*: But if any such thing be, then the Retreat we have been forc'd to make, will certainly open the Eyes of our Governors, to see the mighty and almost irrecoverable Prejudices that attend such slavish Methods of getting Commands; and will put them upon employing fit Persons, in whose Fidelity and Valour we may safely trust. Altho I be far from vindicating the late Usurpation of *Cromwel*, yet I cannot but admire the choice he made of brave and skilful Commanders in the Fleet; under the Conduct of whom *England* got so much Glory in the War against the *Dutch*: Over and above their Valour and Skill, those Com-
manders

manders both in their Practice and by their Orders, kept up the strictest Discipline among their Soldiers; and if there were any Immoralities committed amongst them, it was by stealth, and not in face of the Sun. It's to be confess'd, it's very hard for some Men to resist the Temptations of deprav'd Nature, and they are to be in some measure pitied, when they do it in a manner that expresses their shame of it. But when Men commit the grossest Immoralities in the open view of the World, it is in it self an outbraving of God Almighty, and a virtually denying of his Justice, or of his Power to exert it. And it's strange how any can dare to expect Success from Heaven, when they are openly declaring War against it by their avowed Impieties. And I am afraid we wait for Success in vain, as long as in our Armies and Navies, among our Officers and Soldiers, there is not a Reformation, at least of open Immoralities.

But to return to the *French Expedition*: Our Murmurers and Plotters were strangely elevated with the expectation of its Success. In their fond Imaginations King James was already at *Whitehall*; and some of them were publickly in Coffee-houses acting the part of a Herald, in marshalling his triumphant Entry into *London*. Never was our new Liturgy, I spoke of, so thredbare as now, with being so often said over and over again in private Meetings of the Party: And the ordinary subject of their Discourse was, the *Greatness and Magnanimity of the French King, the Number and Force of his Fleet, the Weakness of ours*; and sometimes a *Defect of his Majesty's Forces in Ireland*, to keep them in heart. Their Impudence was arriv'd at that height, that in open Exchange, one of the long Robe was pleas'd to say, with relation to the *Hollanders* loss in the late Engagement at Sea, That they were well paid off for the Present they had sent us some twenty months ago.

K. J. expected at London, and the insolent behaviour of the Jacobites.

But that none of that Party may want the due Praise their Writings deserve, I'll give the Reader a *Dedication* made by one of them (and him of the long Robe too) to the *French King* not many Months since, when the Plot was just on the Wheel, and which for the nobleness of the Style I must commend, tho the Matter of it be downright Blasphemy: *Immortalitati & Aternitati Nominis & Numinis Lodovici Magni, Galliarum Imperatoris, Clementis, Victoris, Felicis, semper Augusti, ob Egregiam Pietatem & Regiam Munificentiam, erga Afflictos Principes Britannicos nomine Britannicarum Insularum, hosce Versiculos Anglice conscriptos, humillime consecrat.* In English thus; To the Immortality and Eternity of the Name and Divinity of Lewis the Great, Emperor of France, Victorious, Happy, Merciful, Allwise, August; in acknowledgment of his Royal Goodness and Bounty towards the afflicted Princes of Britain; These Verses written in English, are in name of the British Isles most humbly consecrated by, &c. Thus we see how far an English Jacobite can outvie a French Poet himself in the Art of Blasphemous Flattery.

Inscription made on a Monument for the Fr. King.

But how soon are all these kind of Peoples hopes laid in the dust, upon the arrival of the news of his Majesty's glorious Victories in *Ireland*? And how far has it counterpois'd the Joy they had some days ago for the Action between the two Fleets? A little time will shew, that notwithstanding all they have done to ruin him, no body will be more forward than they to fawn upon his Majesty's good Fortune, whenever once they are quite out of hopes of King James retrieving his. But sure the Government will be wiser, than ever to dart any of its warm Beams upon such kind of Creatures, any farther than to let 'em live the Scorn of all honest Men, and the Hatred of every one that loves his Country and Religion.

Thus have I given some of the Reasons of the late Disasters (if I may call them so) which we have met with within these few days in *England*, tho they are more than made up by our wonderful Success in *Ireland*; yet I must call it a Disaster, to be oblig'd to retire without obtaining a full Victory over the *French*, and to see the *Dutch* Squadron receive so great a Damage, without being able to come up to their Assistance. And the consideration of this has forc'd from me some Expressions against the Authors and Abettors of these Misfortunes, that perhaps I would otherwise have spared: And I call God to witness, that nothing but Love to my Country and Religion, to their Majesties Persons and Government, has extorted them from me.

When I have spoken so much against the Practices of our discontented Clergy, both Reason, and my own Inclination, do oblige me to admire and praise the wise and pious Conduct of that part of the Clergy who have been true to their Country, and to their Religion, and have not (as some others of their Character) resisted the Mercies of God, that have been wonderfully manifested in delivering us from Popery and Slavery; but who by their Precepts and Example, have excited their People

Commendation of the honest part of the Clergy.

ple to receive these Mercies with all the just return of Thanks. God forbid that I should be so unhappy, as to be mistaken in any of the Reflections I have been oblig'd to make of the Carriage of some of that Order; or, that I should be thought to derogate in the least from the singular Learning, Piety and Zeal, that shine visibly among the Divines of the Church of *England*, by any thing I have said against those who are indeed a Reproach to that Church. I must confess, there is one thing that has mightily provok'd me against these Male-contents, and that is, their venomous and ill-natur'd Reflections, both in their Discourses and Libels, against some of the first Luminaries of the Church, whose Books they are not worthy to bear; and that merely upon the account of their Affection to the present Government. And altho these Reverend and Excellent Persons are pleas'd, by a Miracle of good Nature, to suffer their Follies and Impertinences; I know no reason why others, that have not the Honour to be of that Sacred Order, should spare them.

Printed in
the Year
1690.

*An Answer to the Paper delivered by
Mr. ASHTON at his Execution to Sir Francis
Child, Sberiff of London, &c. Together with
the Paper it self.*

Mr. Ashton's Paper.

Mr. Sheriff,

HAVING observ'd that the Methods of making Speeches at the place of Execution was not always attended with the design'd Success; and thinking it better to employ my last Minutes in Devotion and holy Communion with my God, I have prepar'd this Paper to leave in your Hands, as well to assert my Principles, as to testify my Innocency. As to my Religion, I profess, by God's Grace, I die in the Faith into which I was baptiz'd, that of the Church of England, in whose Communion (nothing doubting of my Salvation thro the Merits of my Saviour) I have always thought my self safe and happy: According to her Principles and late much-esteem'd Doctrines (tho now unhappily exploded) I have regulated my Life, believing my self oblig'd by my Religion to look upon my rightful lawful Prince (whatever his Principles were, or his Practices might be) as God's Vicegerent, and accountable (if guilty of Male-administration) to God only, from whom he receiv'd his Power; and always believing it to be contrary to the Laws of God, the Church, and the Realm, upon any Pretence whatsoever, to take up Arms against him: and let all the World take notice, in this Belief I die. But I have more particular Obligation to the King my Master, whom I have had the honour to serve, and receiv'd many signal Favours from him for sixteen Years past; so that Gratitude (a thing not much esteem'd at this time) as well as Duty and Religion, commanded the utmost Service I could pay him. And when I add these Considerations, that we were born his Liege Subjects, that we have solemnly profess'd our Allegiance, and often confirm'd it with Oaths; that his Majesty's Usage after the Prince of Orange's arrival was very hard, severe, and (if I may so say) unjust; and that all the new Methods of settling this Nation have hitherto made it more miserable, poor, and more expos'd to Foreign Enemies; and the Religion we pretend to be so fond of preserving, now much more than ever likely to be destroy'd: There seems to me no way to prevent the impending Evils, and save these Nations from Poverty and Destruction, but the calling home our injur'd Sovereign, who as a true Father of his Country has (notwithstanding all his Provocations and Injuries) a natural love and tenderness for all his Subjects; and I am so far from repining at the loss of my Life, that had I ten thousand I should

should think my self oblig'd to sacrifice them all, rather than omit any just and honest Means to promote so good and necessary a Work; and I advise and desire all my fellow-Subjects to think of their Duty and return to their Allegiance, before the severe Judgment of God overtake them, for their Perjury and Rebellion: but certainly the Good and Interest of these Nations, abstracted from all other Considerations, will e're long convince them of the necessity of doing it.

Having thus frankly declar'd my Principles, I know the Inference will be, that I have acted accordingly, and consequently that I am now justly condemn'd: but as I ingenuously own the Premises, so I as positively deny the Consequence; for whatever my Inclinations or Actions have been, yet, as to the Matter I was sentenc'd to die for, I declare my self Innocent, and will appeal even to the Judges themselves, Whether or no, upon my Trial, there appear'd the least proof that I knew a tittle contain'd in the Papers; but Presumption was with the Jury thought sufficient to find me Guilty, tho I am told I am the first Man that ever was condemn'd for High-Treason upon bare Suspicion or Presumption, and that contrary to my Lord Coke's and other eminent Lawyers Opinions. The knowledg of my own Innocency, as to the Indictment and Charge against me, was that that arm'd me with so much assurance, and occasion'd my casting my Life upon the first twelve Men of the Pannel, without challenging any. But tho I have, I think, just reason to complain of the severe Charge given by the Judges, and hard measure I have receiv'd, not to mention my close Imprisonment, the hasty and violent Proceedings against me, nor the Industry us'd in the return of fitting Persons to pass upon me, the denying me a Copy of the Pannel, &c. Yet, as I hope for Pardon and Forgiveness at the hands of my God, so do I most heartily pray for, and forgive them, and all my Enemies, all the World, nay even that Judge and Jury-man who did so signally (contrary to common Justice) expose themselves to destroy me. But let the Will of God be done; I rely wholly upon his Mercy and the Merits of my blessed Saviour for Salvation; I do chearfully and intirely resign my self into his Hands, as into the Hands of a faithful Creator, in sure and certain hopes of a happy Resurrection. Bless, protect, and strengthen, O Lord God, my good and gracious King and Master; in thy due time let the Virtue, Goodness, and Innocency of the Queen my Mistress, make all her Enemies blush, and silence the wicked and unjust Calumnies that Malice and Envy have rais'd against her; make her and these Nations happy in the Prince of Wales, whom, from unanswerable and undoubted Proofs, I know to be her Son; restore them all when thou seest fit to their just Rights, and on such a Bottom as may support and establish the Church of England, and once more make her flourish, notwithstanding the Wounds she hath receiv'd of late from her prevaricating Sons.

Forgive, forgive, O Lord, all my Enemies, bless all my Friends, comfort and support my dear afflicted Wife, and poor Babes, be thou a Husband and a Father to them; for their sakes only I could have wish'd to live: But pardon that Wish, O good God, and take my Soul into thy everlasting Glory. Amen.

JOHN ASHTON.

The ANSWER.

THE Paper which passeth under the Name of Mr. Ashton's Speech, seems to me to be compos'd with too much Art and Care to be the Work of one who professeth, he thought it better to employ his last Minutes in Devotion: And if he was so illiterate and unskill'd in the Law, as he said at his Trial, Fol. 111. one may justly wonder not only at such Terms as Impending, Prevaricating, Premises, and Consequence, &c. but at such a peremptory Judgment as he gives about the Laws of the Realm, in a Case that must be acknowledg'd by all ingenuous Men of his own Party to have a great deal of difficulty in it. Reason to suspect its being made by another hand.

But there are some Men who think to bear down all others by their Confidence, and would have it taken for granted, that the whole Nation (themselves excepted) is under the guilt of Perjury and Rebellion.

These are the modest Terms in this Speech, which at least do not become the Charity of one just going out of the World. Therefore I rather believe it to be drawn up by some Persons of more Art and Leisure, who thought it best to convey their Uncharitableness in the Speech.

their own *Sentiments* (as they call them) under the more popular Name of one who suffer'd for their Cause.

But the weight of what is said doth not depend on the Person, and therefore I shall calmly and impartially consider the Things themselves, and shew how unjust and unreasonable the Insinuations are which respect the present Government, and all such who act in obedience to it.

Passive-Obedience
Doctrine
not the
cause of his
suffering,
but want
of it.

There are two Things this Paper is said to be design'd for, to assert his Principles, and to testify his Innocency. For his Principles he professeth, *that he dies in the Faith and Communion of the Church of England*. And he might have liv'd longer in both if he had pleas'd; for I cannot see how the *Faith and Communion of the Church of England* oblig'd him to do that for which he suffer'd. But by the *Faith of the Church of England*, he means the *Doctrine of Passive Obedience*. Be it so; however he suffer'd not for his *Passive Obedience*, but for the want of it: If he had regulated his Life by this Principle, he had preserv'd it; yet he saith he did so, and died for it. There must be certainly then some great Mistake about the *Doctrines and Principles of our Church*: I always thought those are to be found in the Articles and Constitutions of it. Which of these did he suffer for?

They are, he saith, *her Principles and late much esteem'd Doctrines, tho now unhappily exploded*. I know of no Doctrines or Principles of the Church of England which are exploded among us; and therefore this is unhappily insisted on by a dying Man, unless he had given some proof of it.

K. W. our
only lawful
Sovereign
now.

Well; but he believ'd himself oblig'd by his Religion to look upon his rightful, lawful Prince (whatever his Principles were, or his Practices might be) as God's Vicegerent, and accountable to God only, from whom he receiv'd his Power. All this he might have done, and have been alive still; for the Matter in dispute is not whether rightful, lawful Kings are to be obey'd, but who in our present Circumstances is our rightful, lawful Sovereign; not whether Kings be not God's Vicegerents, but whether God doth not sometimes confer the Right of Sovereignty by a Law superior to the Laws of particular Countries, that is, by the Law of Nations, which establisheth such a Right upon the Success of a just War; not whether Sovereign Princes are not accountable only to God, but whether Allegiance be not due where the Rights of Sovereignty are plac'd, by an extraordinary Act of Providence, and the concurrent Consent of the Nation. But he goes on; *And always believing it to be contrary to the Laws of God, the Church, and the Realm, upon any Pretence whatsoever to take up Arms against him, and let all the World take notice in this Belief I die*. I had much rather have taken notice that in this Belief he liv'd, for I see no reason of his dying for it. For, why must a Man be said to die for not taking up Arms, who was condemn'd to die for a Design just contrary, viz. for the subverting the present Government by Domestick Insurrections and Foreign Power?

Measure of
Obedience
determin'd
by Law.

So that the Question is not about Passive Obedience, but to whom it is due; I grant, that the Laws of God and of the Realm are to determine the measures of our Obedience: But here lies the only Point, whether the Rights of Sovereignty may not be transferred by the success of a just War, and the Consent of the People: For if they may, then according to his own Principles he suffer'd justly. And if the Directors of his Conscience did not speak to this Point, they led him into a dangerous Error, and have been too much the occasion of his Suffering.

Therefore to clear this whole Matter, and to prevent the like Mistakes in others, I shall endeavour to state the present Case of our Government, so as to shew both that it is our Duty to submit to it, and that no Principles or Doctrines of the Church of England are violated thereby.

To do this, we must of necessity look back to the Occasions of this great Revolution: And there were two principal Occasions of it.

First, Great and violent Presumptions of an Injury to the Right of Succession.

Secondly, Too great Evidence of a formed Design to subvert the establish'd Religion and Civil Liberties of the Nation.

Now there are two very material Questions which arise from hence.

First, Whether these were the just Occasions of a War?

Secondly, Whether upon the Success of this War the Rights of Sovereignty were duly transferred?

If these were just Occasions of a War, and upon the Success thereof the Sovereignty was duly transferred; then there can be no Dispute left to whom our Allegiance is due.

It is taken for granted by all who understand these Matters, that as there is a *Law of Nature* which determines the Rights and Properties of particular Nations; and that all private Persons are bound to submit to the municipal Laws of those Societies for their Peace and Security: So there are other Laws which concern those Nations, as they make up several Independent Governments upon each other. And there are several Rights which belong to them with respect to one another, which do not belong to private Persons as they live in subjection to any particular Government.

Occasion of the late Revolution.

And as there are such Rights, so there must be a just and lawful way for Reparation of Injuries. In particular Governments, the thing is plain by establish'd Laws and Courts of Judicature, whose Sentence is executed by the Civil Power: but in Separate Nations and Independent Governments, altho there be Laws by Consent call'd the *Law of Nations*, yet there is no common Judicature to determine of Right or Wrong; and therefore in case of Injury there is an Allowance for the injur'd Party by this *Law of Nations* to right himself by Force, as there would be to every particular Person, if there were no Laws nor Power to see them executed.

There is then a Right in every Sovereign and Independent Prince to exercise Force against another Prince who detains any Right from him, or doth any Injury to him, or to those he is bound to defend.

The Question then comes to the *Just Occasion* of such a War, and here are two assign'd.

First, Great and violent Presumptions of an Injury to the Right of Succession. This is expressly mention'd and insisted on, in the Declaration of the then Prince of Orange (our present King) in these words———' But to crown all, there are great and violent Presumptions inducing us to believe that those evil Counsellors, in order to the carrying on of their ill Designs, and to the gaining to themselves the more time for the effecting of them, for the encouraging their Complices, and for the discouraging of all good Subjects, hath published, that the Queen hath brought forth a Son; tho there have appear'd, both during the Queen's pretended Bigness, and in the manner in which the Birth was manag'd, so many just and visible grounds of suspicion, that not only we our selves, but all the good Subjects of these Kingdoms do vehemently suspect that the pretended Prince of Wales was not born of the Queen: And it is notoriously known to all the World, that many both doubted of the Queen's Bigness, and of the Birth of the Child; and yet there was not any one thing done to satisfy them, and to put an end to all Doubts. And since our dearest and most entirely beloved Consort, the Princess, and likewise we our selves have so great an Interest in this Matter, and such a Right as all the World knows to the Succession to the Crown———And since the *English Nation* hath ever testify'd a most particular Affection and Esteem, both to our dearest Consort and to our Selves: We cannot excuse our Selves from espousing their Interests in a Matter of such high Consequence, and from contributing all that lies in us, for maintaining both of the Protestant Religion, and of the Laws and Liberties of those Kingdoms, and for the securing to them the continual enjoyment of all their just Rights.

Occasion of wrong done to the right Succession.

Here we have an hereditary Right to the Crown asserted both remoter in himself and nearer in the Queen, who was unquestionably the next, if there were no Heir Male: It was possible this Right might be really defeated by a Prince of Wales, and it was possible it might be pretended to be so when it was not: For there have been many Instances in History of suborn'd and supposititious Princes, and therefore there was reason that sufficient Evidence should be given in a case of such Importance, and which was under so great Suspicion. But if there was no reasonable care taken to prevent or remove these Suspicions, then the Parties most concern'd have a Right to assert their own Pretensions in such a way as the Law of Nations doth allow.

And in this Case no private Depositions or confident Affirmations of such as are Dependents, or otherwise liable to Suspicion, can in reason be taken for satisfactory Evidence; for let any one consider what the *Laws of Nations* have thought fitting Evidence in a Case of this nature, and he will soon find how very much short such Proofs are of what the Nature of the thing hath been thought to require———The Civil Law is very strict where there is any occasion of Suspicion.

The Civil Law in case of suspicion, D. 25. Tit. 4.

" It requires notice to be given twice a Month to the Parties concern'd, that they may receive full Satisfaction. That the Mother is to be kept in a House by it self:

“ self: That thirty days before she expects to be deliver'd, she must give notice of
 “ it to those who are most concern'd, that they may send such as they can trust to
 “ be present: That there ought to be but one Door where she is to lie in; and if
 “ there be more, they must be done up; that at that Door there are to be three
 “ Men and three Women and two Assistants: That all Persons are to be searcht who
 “ go, in especially at the Labor, at which time there must be sufficient Light in the
 “ Room. When the Child is born it ought to be first shewn to the Parties concern'd,
 “ and great Care is taken about the Persons in whose Hands he is put; and Satisfac-
 “ tion must be given from time to time that it is the same Child; and if Satisfaction
 “ be not given as to these things, the *Roman Law* doth not allow any Right of Pos-
 “ session.

Braff. l. 2. c. 32. By the old common Law of *England*, in case of Suspicion, a Writ of Inspection was allow'd, the Form whereof is in the Books; and if there were any doubt, the Woman was to be put into a safe place, where no suspicious Persons were to come near her till she was deliver'd. This was then thought so reasonable a thing, that the old Law Books have a Chapter on purpose *De Partu Supposito*, wherein Directions are given to prevent and discover a Subornation.

Satisfac- tion neces- sary in Cases of Sus- picion. These things I mention to show what Satisfaction is necessary to be given in case of Suspicion; and the higher the Persons are, and of so much greater Importance as the Succession is, so much clearer ought the Evidence to be, that no occasion of Doubt may remain: But if no such care was taken, if the principal Persons concern'd had not the least Satisfaction given them; if the whole thing were manag'd with Secrecy and suspicious Circumstances, then I can see no Reason to exclude those who are most concern'd from a Right of demanding Satisfaction by Force of Arms.

Not deter- min'd by a single Wit- ness. But Mr. *Ashton* thinks he hath clear'd this Matter, when he affirms that he *knows* there was no supposititious Birth by *unanswerable undoubted Proofs*; and this is put into his Prayer, that it might look like an Appeal to God as to the Truth of what he said. This is one of the boldest and most artificial Strokes of the Penner of this Speech, not barely to make him affirm it with so much Assurance, but to do it in his Prayer too. But a matter of so great Consequence is not to be determin'd upon the Testimony of any single Witness, altho he were the most competent Witness as to such a Matter, which doth not in the least appear as to Mr. *Ashton*: For how could he know it by *unanswerable and undoubted Proofs*, when considering the Circumstances that were in this Case, it was hardly possible to produce such *Proofs* as would pass for unexceptionable Evidence upon a Legal Trial? For there hath been such a Trial here in *England* within the Memory of Man, wherein the Father and Mother and Midwife have all sworn to the Truth of the Birth of a Son, and yet the Jury upon hearing the whole Evidence have given Judgment that it was Supposititious.

In the Case of one Robin's Child, at Hereford Assizes about An. 1668.

Therefore bare Affirmations of some Persons concern'd are not Evidence sufficient, in case of strong and vehement Presumptions to the contrary; and such Evidence ought to have been given as might have either prevented or remov'd any just grounds of Suspicion.

No un- doubted Proofs gi- ven.

But since no such *unanswerable and undoubted Proofs* were made to those who were most concern'd, the same just Right doth remain to the *undoubted* Heir of the Crown, as it did in the former Case to the next Heir at Law, who upon a fair Trial and the Verdict of the Country, recover'd the Estate. But between Princes there are no such ways of Trial or Courts of Judicature, and therefore in such Cases the Right of War is allow'd by the general Consent of Mankind.

Second Oc- casion of the Expedi- tion, to hin- der the Sub- version of Religion and Laws.

Secondly, There was a further just Occasion for that Expedition, which was the Design to subvert our Religion and civil Liberties. As to the Particulars they are fully set down in the Declaration, and need not be repeated; that which I am to make out is, that the then Prince of *Orange* by his Relation to the Crown had a just Right to concern himself in the Vindication of both, and that this is not repugnant to the Doctrines and Principles of the Church of *England*.

Alberic. Gent. de Jure Bel. l. 1. c. 16.

It was not thought disagreeable to them for Queen *Elizabeth* to assist the *Dutch* against the King of *Spain*; yet she had no such reason for it as our King and Queen had to prevent the Suppression of their own Religion here, and the Rights of that People to whom they were so nearly related. For there was nothing in her Case so considerable as the growing Power of *Spain*, and the danger of overturning the religious and civil Liberties of a neighbour People. The Queen's Professor of Law in *Oxford* at that time saith, that it was then made a Question by some whether Queen *Elizabeth*

Elizabeth had just Reason for that War in assisting the *Dutch*, and he resolves the Lawfulness of it upon three Grounds: First, that it was to prevent ensuing Mischief; Secondly, From the antient Alliance between the two Nations; Thirdly, that if the *Dutch* were totally vanquish'd by the *Spaniard*, they would be made Slaves under an Arbitrary Power. The Queen herself own'd this as the Ground of her Resolution, *That it was Christian Piety to relieve them who were of the same Religion which she professed, and Wisdom to prevent the pernicious Designs of her Enemies.* And in her Declaration she publish'd this as the Reason of her sending Forces to the Aid of the *Netherlanders*, *That they might peaceably enjoy their antient Freedom.*

In the latter end of the Reign of King *James I.* the War broke out in *Germany*, wherein the Emperor us'd his utmost endeavour to establish absolute Power and Popery together. There was occasion offer'd to try whether the giving Assistance against these, were against the Principles and Doctrines of the Church of England. For the Prince Elector *Palatine* was chosen King of *Bohemia*, and sent over for King *James's* Advice about it. But his Designs lay then so much another way, that he had no mind he should engage in it: But the Archbishop of *Canterbury*, in his Letter to Sir *R. Naunton* then Secretary of State, saith, *That God had set up this Prince his Master's Son in Law, as a Mark of Honour throughout all Christendom, to propagate the Gospel and to protect the oppressed; that for his own part he dares not but give Advice to follow where God leads, apprehending the Work of God in this and that of Hungary; that he was satisfied in Conscience that the Bohemians had a just Cause; that the King's Daughter the Elector's Lady had professed, she would not leave herself one Jewel, rather than not maintain so religious and so righteous a Cause.*

K. J. I. advis'd to assist the Protestants in Germany.

In the beginning of the Reign of King *Charles the First*, when I suppose it will be granted that the Doctrines and Principles of the Church of England were understood and follow'd, the King of *Denmark* had taken up Arms to settle the Peace and Liberty of *Germany*, as he declar'd: But he met with a great Defeat. Whereupon King *Charles the First* thought himself concern'd to give Assistance to him: And Archbishop *Laud* was then employ'd (as Dr. *Heylin* confesseth) by the King's Command, to draw up a Declaration, to be publish'd in all the Parishes of England; which was read by the King, and approv'd by the Council, wherein the Greatness of the Danger they were in is set forth, and the People are exhorted to serve God and the King, and to labour by their Prayers to divert the Danger. Wherein lay this Danger? It is there said to be, *That by the Defeat of the King of Denmark, there was little or nothing left to hinder the House of Austria from being Lord and Master of Germany.* And what then? Why then there will be an open way for Spain to do what they pleas'd in all the West part of Christendom. It seems then, it was not thought disagreeable to the Principles and Doctrines of our Church, to hinder the growth of a Western Monarchy, altho it be by assisting Subjects against their Princes who promote it. And then follow these remarkable Words:

Proofs thereof. Life of Archbishop Laud, fol. 161.

"You are to know therefore, that to prevent this is the present Care of the King and State; and there is no probable way left, but by sending of Forces, and other Supplies, to the said King of *Denmark*, to enable him to keep the Field, that our Enemies be not Masters of all on a sudden. And not long after—"If he be not presently reliev'd, the Cause of Religion is not only like to suffer by it in some one part (as it hath already in a fearful manner in the *Palatinate*) but in all places where it hath got any footing. So that if we supply not presently our Allies and Confederates in this case, it is like to prove the Extirpation of true Religion, and the replanting of *Romish Superstition* in the neighbouring Parts of Christendom. And the coldness of the State shall suffer in all places, as the Betrayers of that Religion elsewhere, which it professeth and honoureth at home; which will be an Imputation never to be wash'd off: And God forbid this State should suffer under it.——And in the last place: You are to call upon God your selves, and to incite the People to joyn with you, in humble and hearty Prayers unto God, That he will be pleas'd now, after long Affliction of his dear People and Children, to look in mercy both upon them and us; and in particular for the safety of the King of *Denmark*, and that Army which is left him, That God would bless and prosper him against his and our Enemies. Thus far Archbishop *Laud*.

Let those who now, with as much Ignorance as Confidence, upbraid Men with renouncing the Doctrines and Principles of the Church of England, read and consider these Passages; and if any thing will make them more wise and humble, this will. Did Archbishop *Laud* go off from the Church of England, or King *Charles the First*, who

K. Charles and ABp Laud for it.

who both suffer'd for the sake of it? But some Men have never thorowly penetrated into the *Doctrines and Principles* of our Church, but look only on some Principles in opposition to the late times of Rebellion, and think there is nothing farther to be look'd after. Whereas the Consideration is very different as to our Duties, with respect to our own Princes, and those of a more general Concernment as to the state of Religion and Government in the World. But from hence it is plain, that it was then thought not only Lawful, but a Duty, to prevent the dangerous growth of such a Monarchy, which designs to suppress Religion and civil Liberties; and not only to give Assistance to those who join in the same Design, but to pray God to bless and prosper it. And accordingly a Form of Prayer was then appointed for those dangerous times.

Not long after this a Breach with *France* hapned, and the King publish'd a Declaration of the ground of the War; wherein it is laid down as the first Ground, "That the House of *Austria* conspiring the Ruin of all those of the Reform'd Religion (as plainly appear'd in the Affairs of *Germany*) had such an Influence on the Councils of *France*, as to make them break Promise in such a manner, as hazarded the loss of the whole Party in *Germany*. The next is, "That he had broke his Articles with his *Protestant Subjects*, when he had been a Mediator of Peace between them, and they had done nothing to violate them. So that a Design to suppress the *Protestant Religion*, in a neighbor Country, was looked on as a just Cause of War, when he was concern'd to preserve it. And then another Form of Prayer was appointed to be us'd sutable to that Occasion; all which plainly evidence, that such a Design was no ways thought repugnant to the *Doctrines and Principles of the Church of England*.

But since the *French Conduct* seems to be now admir'd by this sort of Men, I shall bring some remarkable Instances from them.

Confederate Protestants in Germany assisted by France. *Motifs de la France pour la guerre d'Allemagne*, p. 94, 95, 117. France assists the Catalonians.

It is notorious to the World what powerful Assistance the *French* gave to the Confederate Princes of *Germany*, against the Emperor their Lawful Prince, and what Defence they made for this. They publish'd an Account to the World of the Reasons of it, and the chief was this; viz. "That they had Reason to suspect, that from *Charles* the Fifth's time the difference of Religions had been secretly supported by the Emperors, in order to their making themselves absolute: and that the changing the Form of Government in the Empire, was sufficient for a neighbour Prince to interpose by force of Arms.

In the Revolt of *Catalonia* from the King of *Spain* their Lawful Prince, the *French* King accepted of the Sovereignty over them, it being offer'd him by the States of that Country, and caus'd Discourses to be written in Justification of their transferring their Allegiance: And yet their Complaint was nothing but the Severity of the *Spanish* Government, and a desire of some greater Liberties than they enjoy'd under it. Why then should it be now thought an unjust thing, for a Sovereign Prince (so nearly related to the Crown of *England*) to espouse the Cause of our Religious and Civil Interests, when the Design was so apparent for the suppressing them? If that Opportunity had been lost, they might before this time have been past all reasonable hopes of Recovery.

II. But suppose this were allow'd; yet here is another Difficulty ariseth concerning the transferring Allegiance from a lawful Prince, to him that met with unexpected Success in his Design.

Rules of Obedience not taken from the Church but the Laws.

And here I shall endeavour to make it plain, that this is not against the *Doctrines and Principles of the Church of England*. If we allow the Church of *England* to have declar'd its Sense in the Matter of Government, it can only be with respect to Subjects. But I think the Measures of our Obedience are not to be taken from the Rules of the Church, but from the *Laws of the Realm*: Because they are not the same in all Countries where the same Religion is profess'd; as is plain in the Case of *France* and *Poland*: The Reason of the different Measures in these Countries is not from the Church, but from the different Constitution of the Kingdoms.

And I do not see how the Rules of the Church can alter the Fundamental Laws: For the Church only enforceth the Duty of Obedience on the Consciences of Men; but it doth not prescribe or limit the Bounds of it.

Whether our Monarchy be Absolute or Limited; or if Limited, whether in its Exercise of Power, or in the Right of Sovereignty; how far the Limitation gives a Right of Resistance, in case of the Breach of it; are nice Questions, and not to be resolv'd by the Rules of the Church, but by our Legal Constitution and the General Reason of Mankind: And therefore in such Cases, where the Right of War and

a Foreign Power are concern'd, we are not to judg merely by municipal Laws, but we are to proceed by a more General Law, viz. that of Nations, which takes in the Effects of a just War, which the particular Laws of a Country have no regard to.

But where hath the Church of England declar'd its sense about the right of War? The Articles of our Church declare, *That the chief Government of all Estates of this Realm doth appertain to the Civil Magistrate*: But they no where say, that in a just War the Supreme Power cannot be acquir'd, or that God doth never confer it in an extraordinary Method.

The Book of *Homilies* is very severe against Disobedience and wilful Rebellion; but it is no where said, that where the Right of Sovereignty is transferred by a successful War, there is no Allegiance due to those who possess it: On the contrary it is said in the first Part, 'that if God for their wickedness had given them an Heathen Tyrant to reign over them, they were by God's Word bound to obey him, and to pray for him. Can it then be agreeable to the *Doctrines and Principles of our Church*, to refuse Allegiance to good Religious Princes, whom God hath made the happy Instruments of preserving our Religion and Liberties? *Book of Homilies against Disobedience.*

In the same Part, the Jews are commended for praying for the King of Babylon, when they were in Captivity, that they might live under his Protection, and do him Service, and find Favour in his fight. And what is this short of Allegiance to one, who had nothing but bare Success in War to plead for his Title to it? If any Princes of their own Religion had rescu'd them from that Captivity, would they have scrupl'd Allegiance to them, when we see how far the *Maccabees* went in the defence of their Religion and Laws?

In the second Part, the Obedience of the Jewish Nation to *Augustus* is commend- ed; and it is evident that he had no Authority over them, but by the right of War. And our blessed Saviour's example is mention'd, who being brought before the Roman President, acknowledg'd his Power and Authority to be given him from God. And how was this Authority convey'd to him, but by the success of War?

So that we can find nothing, in the certain establish'd *Doctrine and Principles of our Church*, which is repugnant to our Allegiance to the present Government. I might easily produce considerable Testimonies, of some of the greatest Divines of our Church, which assert, that Sovereignty may be transferred by a just War; but I leave that to others, and proceed.

Mr. Ashton saith, *That we were born Liege Subjects to another; that we have solemnly professed our Allegiance, and often confirmed it with Oaths.* I know no body denies it. But is this all? Is our Allegiance so inseparable from the Person we have once sworn to, that no Case whatsoever can alter it? Not the Case of plain voluntary Dere- *Allegiance not inseparable from the Person sworn to.* liction? Not the Case of putting the Kingdom under a Foreign Power? Not the seeking the utter Ruin and Destruction of the People? Is Allegiance inseparable in these Cases, because we were born Subjects and did swear Allegiance? If not, then it is not always so, notwithstanding the Oaths. For these and several others are allow'd, by such who have written the most warmly against the Republican Principles. But we need not run to any difficult Cases: Ours is only the Case of a just War; which is allow'd by all sorts of *Casuits*, who do agree, that Allegiance is due to the Party that prevails in it; and if it be due to one, it cannot be due to another at the same time, altho he be living and do not discharge Persons from their Oaths; for the Obligation of Oaths depends on the nature and reason of Things, and not upon the Pleasure of those to whom they are made. But where there is a Right to Govern, there must be a Duty of Allegiance: And that Success in a just War doth give such a Right, I could produce so many Testimonies, of all kinds of Writers, as would make the reading of them as tedious, as of those in the History of *Passive Obedience*. Nay, some go so far, as to assert a right of Sovereignty to be acquir'd by Success, even in an unjust War: But we need none of these Testimo- nies.

But doth not all this resolve this whole Controversy into a right of Conquest, which is not so much as pretended in our present Case?

I answer, That we must distinguish between a Right to the Government, and the manner of assuming it. The Right was founded on the just Causes of the War, and the Success in it: But the assuming of it was not by any ways of Force or Violence, but by a free Consent of the People, who by a voluntary Recognition, and their Ma- *Right of assuming the Govern- ment and Manner distinguish- ed.* jesties acceptance of the Government, as it is settl'd by our Laws, take away any pretence to a Conquest over the People, or a Government by Force.

Thus

Thus I have endeavour'd to set this matter in as clear a Light, and in as little a Compass as I could; I now return to Mr. Ashton's Speech.

Next to his Obligation on the Point of Religion, he mentions that of *Gratitude to the King his Master, whom he had served 16 years.* — But this, he adds, is a thing not much esteem'd at this time. As little as it is esteem'd, I know no body would have blam'd his *Gratitude* if it had not carried him beyond the bounds of his Duty. But it is strange he should be so much for *Gratitude*, and yet should allow none for so great a Deliverance. What is 16 years Service to the Preservation of a Nation from the imminent danger of Popery and Arbitrary Power? Such Men look but a very little way, who talk at this rate: And can they imagine a *French Power*, under our Circumstances, could secure any thing to us but Ruin?

R. J. his
Usage.

As to his Master's Usage, which he saith, *after the Prince of Orange's Arrival, was very hard, severe, and if he may say it unjust*: I would desire his Friends to consider a little better, and to think if any such thing as Severity had been intended, how easy it had been to have executed it, and to have prevented his going away; and consequently, a great deal of the Charge of the War he complains of immediately after. Let them name any one Person in such Circumstances, who was allow'd so great Freedom as he had, of disposing of himself: But this is very far for Mr. Ashton's occasion of Suffering.

The French
King's De-
signs are
all for
himself.

Well, *But all the new Methods of Settling have hitherto*, he saith, *made the Nation more miserable, poor, and exposed to Foreign Enemies.* It is possible such may believe, that the Nation would be less miserable and poor under the *French Power*, than it is now. But no Man who observes the vast Designs of *France*, and the incredible industry of the *French Monarch* to enlarge his own Power and Dominions, can think (if he thinks twice) that ever he should undertake so great a Work, out of kindness to any but himself; much less, out of perfect good will to the *English Nation*. Hath he given so much Evidence to the World of his Sincerity in his Promises, when the keeping of them hath been prejudicial to his Interest? Suppose he should compass his end upon us, and under so fair a Colour make Provinces of these Kingdoms; what possible remedy would there be for this, then indeed, *poor and miserable Nation*? What comfort will it then be to say, *they did not think he would have broken his Word so with them*? In the mean time, is it not great Wisdom and Policy, to venture our Religion, and all our Liberties on the sincerity and kindness of *France*? But if there be any present hardship, it is no more than what a necessary War involves our Neighbours in, as well as our selves; and that in a common Cause, for preserving the Liberty of *Europe* against the growing Power of *France*, as it did formerly of *Spain*.

Religion
not in
Danger
now.

But there is another Insinuation of a higher nature, *viz. that the Religion we pretend to be so fond of preserving, is now much more than ever likely to be destroy'd.* What is the meaning of this? What! More in danger than when Penal Laws and Tests were taking away, in order to the taking away our Religion after them? When the Design was as plain and open, as a thing of that nature could be, in such a Nation? When some of the Factors themselves complained, they made too much haste, and were too eager and forward to accomplish it? And altho nothing was then pretended but the settling *Liberty of Conscience* upon a new *Magna Charta*, yet all wise Men saw through these Pretences, and that nothing was really design'd but Popery; which the Jesuits did not conceal in their Letters to each other: One of which happen'd to be intercepted; and the thing it self is now fully own'd in the King's own Letter to the Pope, printed at the end of the late Trials. So that there must be a design, either to deceive the Pope, or the Nation; and which is the more probable, let any Man of sense judg.

But where lies the danger of our Religion now? Have we not the same Laws, the same Protection, the same Encouragement which we ever had at any time since the Reformation? If our Religion be now in danger, it is by such Men who would bring in the *French Power* to establish it, however it be disguised under another Pretext.

After this follows a Charge of no less than Perjury and Rebellion, upon his Fellow Subjects; whom he adviseth to return to their Allegiance, before the Judgments of God overtake them for their Perjury and Rebellion. This is a heavy Charge indeed upon the Body of the Nation, which hath taken the Oaths of Allegiance to their Majesties: But if it be true, it is accusing the greatest part of Mankind of these Sins, who have happen'd to live in the time of any great Revolutions, or Changes of Government. Was the Nation forsworn in the times of *William the Conqueror*,

ror, and his two Sons, and his Nephew? Was it forsworn all the time of King *John*, and the several Reigns of the 4th, 5th, 6th, 7th *Henrys*? One would think it better became a dying Man to judg more charitably of his Fellow Subjects. Had he never heard of the Law of *England*, requiring Allegiance to the King, on account of the Possession of the Crown; and that our most eminent Lawyers, in peaceable and quiet Times, have been of that Opinion? Methinks at least, that should make modest Men not so peremptory in such a Charge; for it is to make such an Oath unlawful, which the Law makes not only lawful, but a Duty. And when the greatest Lawyers this Nation hath had thought this a part of our Law; shall such who confess themselves unskilful in the Law, charge the Nation with Perjury, for taking an Oath which the Law requires?

*Case in W.
the Conq.
K. John's,
etc. Reigns.*

But if our Law did not require it, there is such a general Consent in Mankind about it, that it seems to me to be a Law of Nations, that an Oath of Fidelity should follow Possession; because otherwise, there would be infinite snares to the Consciences of all such who are requir'd to obey, but are not bound to enquire into the Rights of War.

Is it Perjury and Rebellion in the new *French* Conquests, for the Inhabitants to take Oaths of Fidelity to the *French* King? If not, how comes it to be so here? Is there not the same Right of War here as abroad?

*The Nations
guilty of
Rebellion
and Perjury.*

Was it Perjury and Rebellion in the Subjects of the King of *Spain* in *Portugal*, to take a new Oath of Allegiance to the Duke of *Braganza*, when he was declar'd King? And yet they were all sworn before, not only to the King of *Spain*, but to his Heirs: And even the Duke himself had not only taken this Oath, but the *Spaniard* particularly charg'd him with Perjury and great Ingratitude: Yet the Obligation to his Country's good was then thought to overrule that personal Obligation to the King of *Spain*.

But if they were all guilty of Perjury and Rebellion; how came the other Princes of *Europe* so frankly and readily to own his Government; and the *French*, as much and as early as any, sending Assistance by Sea and Land to support it? But in this Revolution of *Portugal*, the best Title was the Success of War, founded on a remote Title to the Crown, when the King of *Spain* had enjoy'd the Possession of that Crown to the third Generation.

But it may be said, *That the Practices of other People are to be no Rule to us; and that we are not to be guided by bad Precedents abroad, but by the Principles and Doctrines of our own Church.* This were to the purpose, if our Church had any where declar'd, taking such an Oath to be Perjury. But where is that done? I confess, I can find no such thing: And if Mr. *Ashton* (or his Friends) had made such a Discovery, they ought to have told the World of it. But if there be no such Declaration to be met with, then we are left to the general Rules of Conscience, and the common Reason of Mankind; according to which, I see no ground for this heavy Charge of Perjury and Rebellion in our present Case.

*No Declaration of the
Church against taking Oaths
to the K.
and Q.*

But altho Mr. *Ashton* be so abundantly satisfy'd in the Design he mentions, that if he had ten thousand Lives, he would sacrifice them all in so good and necessary a Work; yet the Remainder of his Speech is spent in clearing his Innocency as to the Fact for which he was condemn'd. If it was so meritorious an Act to die in such a Cause, a Man might have been tempted to be thought Guilty.

But before he could think fit to die in Charity with all the World, he saith several things with a design to blacken the Judges, the Jury, and the Government.

The Judges he accuses of a Severe Charge, and the hard Measure he received—

As to the latter, it is a very odd kind of hard Measure, when he was so little sensible of it then, that he said, *He did not complain of the Court, fo. 112. and more fully afterwards, fo. 115. I cannot but own I have had a fair Trial for my Life.* Where was the hard Measure then? Therefore this could not be Mr. *Ashton's* Sense, unless he would contradict himself; and those who would free him from it, must take these Words to have been written by others, who thought to serve another End by it, and were not so near giving an Account for such Calumnies.

*Mr. Ashton
has had no
hard Measure.*

Treason
prov'd upon
him.

The Severity of the Charge lay in applying the Statute 25 *Edw. 3.* to his Fact: Which was a *Design to carry into France a Treasonable Scheme and Project of an Invasion, in order to the deposing the King and Queen.* This last the Judges declar'd, had been always held to be *High Treason.* All the Question was then, whether such a Fact were an *Overt Act* of such a Design; and so it was left to the Jury, whether Mr. *Ashton* intended to go over with such a Design or not. If there be any Severity here, it must be in the Law; and that all those who suffer by a Law, are apt to complain of.

He particularly chargeth that *Judge*, and that *Jury-man*, who did, he saith, *signally, contrary to common Justice, expose themselves to destroy him.* This is a very hard Charge from a dying Man, and ought to have great Evidence to reconcile it to common Charity; but he offers none. The Jury were to act according to their Consciences; and if they did so, how could they *expose themselves contrary to common Justice to destroy him?* But what Evidence doth he give, that they did not so? Some have told him, *that he was the first Man that was ever condemned for High Treason, upon bare Suspicion or Presumption, and that contrary to my Lord Coke and other eminent Lawyers Opinions.*

Judges
and Jury
vindicated.

The main point as to the Jury was, whether they were satisfy'd in their Consciences, that Mr. *Ashton* intended to go into *France* with such a Design? And where the Fact lies in the Intention, there can be no direct Evidence (without seeing the Heart) but it must be gathered from a Concurrence of Circumstances, strong enough to determine an honest man's Judgment: and such the Jury believed to be in his Case. My Lord *Coke's* words are on the Case of Treason, *that the Compassing, Intent or Imagination, tho secret, is to be tried by the Peers, and to be discover'd by Circumstances precedent, concomitant and subsequent, with all endeavor evermore for the safety of the King.*

It is true, he saith afterwards, *Fol. 12. That conjectural Presumptions, or Inferences, or strains of Wit, are not sufficient, but there must be good and manifest Proof: yet still this Proof must be such as the thing will bear; for there can be no direct and plain proof of a secret Intention.* Either therefore no Man can be justly condemned for a secret Intention, manifested by an *Overt Act*; or there must be such a Proof allow'd, as is sufficient to satisfy a man's Conscience, altho it come not up to plain and direct Evidence, as it is oppos'd to the highest degree of Presumption.

But it may be said, *that the Presumption lies in judging the Intention from the Overt Act, but that Overt Act must be manifestly proved.* The *Overt Act* in this Case was the carrying over *Treasonable Papers* into *France*, in order to an *Invasion.* The sole Question then was, whether there was manifest proof as to these Papers. That the Papers were found about him was manifestly prov'd; and he owns *Fol. 110. that they were unfortunately found upon him; but he saith that he knew not the Importance of them.* It was manifestly proved, that he had an extraordinary Concernment to have these Papers thrown Over-board, which he saith was perfectly out of *Friendship*; and whether that was a true Answer, was left to the Consciences of the Jury, who were to judge of this by all the *Circumstances antecedent, concomitant, and subsequent*, by which they concluded him Guilty. And I cannot see how they went against *Common Justice* therein; especially since Mr. *Ashton* well knew, that one of the most material Papers taken, was of his own Hand-writing; not the first Draught, but the Copy which was shewed him in the Court: and when it was so, he desir'd, *Fol. 106. that the Original may be read, and not the Copy; and he had good reason for it: For as far as I can judge, upon Perusal of both, it is the very same Hand in which this Speech was written.* But what said Mr. *Ashton* to the Jury, to clear this matter? He saith, *Fol. 129. That his Hand was not proved to any of the Papers, and therefore there was nothing but Supposition or Suspicion against him.* It is true, there was no direct and plain Proof of the Hand, as there was in the Case of my Lord *Preston*; (and it is a wonder it was omitted, for that would have been plain proof of his knowing what was in those Papers:) However, all the other Circumstances put together, were a sufficient proof of his Privity to the Contents of them.

No reason
to assert
his Inno-
cency,

And I wonder how Mr. *Ashton* could so confidently in his Paper declare himself *Innocent* as to the matter for which he was sentenc'd to die, when he knew the Paper was of his own Hand-writing, and plain proof hath been since made of his own delivery of it to a third Person? Can a Man be Innocent and Guilty of the same thing?

The only thing to be taken notice of, which remains, is, a Reflection on the Government for his *Close Imprisonment, and the hasty and violent Proceedings against him*. If there were any thing more than usual in such Cases, as to his *Imprisonment*, he ought to have mention'd the particulars; for otherwise it is to arraign the *Common Justice* of the Nation. As to the hasty and violent Proceedings of his Trial; it was then told him, that the greatest Advantage he had, was in putting off his Trial: For by that he knew how to lay the Papers on my Lord Preston; which yet could not clear him, as to those Papers which were not written with my Lord's Hand, nor related any ways to him; but one of them was written with his own Hand.

Upon the whole Matter, I cannot see how he hath either prov'd his Innocency, or that he acted according to the *Principles and Doctrines of the Church of England*.

As to his concluding Prayer, I cannot but observe, that in the beginning of *Reflections* the Speech, the Reason he gives why he would not make any to the People, was, *on his* *because he would employ his last Minutes in Devotion and holy Communion with God: Prayer.* Which I hope he did. But those who contrived the Speech, were to make a Prayer for him too; yet not a Prayer of *Devotion*, but rather of *Faction* and *Sedition*: For it hath no other meaning, than that God would overturn this present Government, and restore the Former, in order to the *Flourishing of the Church of England, notwithstanding the Wounds she hath receiv'd from her Prevaricating Sons*.

I cannot imagine how a Man could join these things together in a Prayer, unless he could think all those are *Prevaricating Sons*, who are against Popery. For I know no Bottom large enough for *Popery*, and the *Church of England*, to stand upon together.

But this I do not think of Mr. Ashton, and therefore conclude, as I began, that this seems rather the Speech of a Party, than of Mr. Ashton; who made use of his Name and Hand, to convey into the Minds of the People, the most malicious Insinuations against this Present Government, and all who live in Obedience to it.

Vol. II.

Q 2

Taxes

Taxes no Charge: In a Letter from a Gentleman to a Person of Quality.

Shewing the Nature, Use, and Benefit of Taxes in this Kingdom; and compar'd with the Impositions of Foreign States.

Printed in
the Year
1689.

Together with their Improvement of Trade in Time of War.

The Preface to the Reader.

Design of
the Treas-
tise.

UPON the receipt of the following Letter concerning the Nature of Taxes, and levying of Money upon the Subject, I immediately resolv'd to commit it to the Press; as conceiving that it might be instrumental towards the removal of that popular Argument, which the Malecontents of the Age are so industrious to instil into the Minds of the common sort, viz. That frequent Taxes are an insupportable Grievance and Oppression to the Nation: and this they so much the more successfully propagate, by how much 'tis a receiv'd Opinion among the Populace, and such as either for want of Parts, or not accusom'd to serious Reflections, have not thoroughly consider'd this Affair; whence 'tis come to pass, that this vulgar Error has obtain'd so general a Consent and Approbation, that it needs not to be much inculcated. This the disaffected Party to the present Government are sufficiently sensible of, and therefore are not unactive in the establishment of an Untruth, which has the advantage of making a deep Impression upon such, whose byass'd and prejudicate Sentiments render them fit Objects of their Design. Sed dato & non concessio, allowing but not granting, that Taxes were really a burden to the Nation; yet if it be true that è malis minimum, of two Evils the least is to be chosen, it will thence follow, that 'tis better for the Kingdom to have purchas'd its Redemption from Popery and Arbitrary Power, tho at the price of some part of the Estates and Fortunes of the Subject, rather than to have lost all at one throw, by a tyrannical Invasion upon their Religion, Laws, and Liberties. I presume that even some of those busy Agents who sow these Seeds of Discord and Division among us, would have been content to have bought their Safety almost at any rate, whilst the Storm was imminent: and now that 'tis happily blown over, and nothing appears at present but a serene Sky, and fair Weather, Why should they either endeavour a Reduction both of themselves and others to their former danger, to which their turbulent Devices do immediately tend; or strive to create unreasonable Dissatisfactions against so just an Expedient, as each one's discharging a few Pence for an ensurance of the Publick Peace, and quiet settlement of the Nation?

Murmurers
censur'd.

'Tis surely very unaccountable, that those Men who discover'd so great an alacrity and forwardness in opposing Popish Tyranny and Arbitrary Power, should now endeavour to enslave us under the same uneasy Yoke; but with this additional Aggravation to our former Servitude, that whereas we were then allow'd some, we must now make Brick without Straw. This seems so wild a Notion of Obedience (the result of the Passive Doctrine) and that the chief Wheel in that unaccountable Engine of absolute Sovereignty,

reignty, as is destructive of all Government; inasmuch as 'tis utterly irreconcilable with the Preservation and common Interest of humane Society. But these murmuring, seditious Spirits, after shamefully retracting from their early Officiousness, in their encouragement of the late Expedition of the then Prince of Orange, are not content with a compleat enjoyment of their Properties, under the even steerage of this great and skilful Pilot, who so justly manages the Helm of the present Government, as not to invade the Rights of any Man; nor yet to retain their particular Sentiments within their own Breasts, but they must needs vent and divulge them to others, by which they become the publick Incendiaries of the Nation. But as I cannot enough admire both the Folly and Ingratitude of these Men, who strive to disseminate so poisonous a Contagion; so have I not room left for wonder and surprize, to observe divers innocent and well-meaning Persons so unwarily catch'd and infected by it, when not many Months ago, their Lives, Religion, Liberties, all that was dear or acceptable unto them, lay apparently at stake. For which, I pray, do they account the more advantageous, whether their Properties be infring'd, their Religion violated, their Laws subverted, their Estates confiscated, and they, with their Wives, Children, and Relations, be expos'd to the Fiery Trial; or to be seasonably freed from these amazing Terrors, ready to overwhelm them in a full career, when they receiv'd a signal and miraculous, as well as a gracious Deliverance, and that as much above their hopes, as it has since appear'd to be beyond their desert?

What would not every honest Man, or good Christian, have given at that time to have had that Security under his own Vine, and under his own Fig-tree, the liberty of his Religion, the full enjoyment of his Property, and an equal and just administration of the Laws, which he now enjoys under the benign Influence and Protection of the present Government? And then with what face can he deny to contribute his respective share and proportion, not only to the assuring of his own particular Right, but also that of the general Interest, together with what is infinitely preferable to either, the Protestant Religion in the three Kingdoms?

All this, and much more which might be offer'd and insisted upon (were not Prolixity improper in a Preface, especially to so small a Discourse as is that of the following Letter) seems exceeding reasonable upon the former Hypothesis, if Taxes were really a Burden and Oppression to the Nation; which the following Sheets do abundantly evince they are not, by shewing that they are so far from being a diminution of, that they really add to the Trade and Riches of a State.

This the Author has fully prov'd from the opulent condition of those Countries where Taxes are most numerous; and after several copious parallel Instances deriv'd from Foreign Monarchies and Republicks, shewing their great Advancement by Taxes, and frequent Levies upon the Subject, he undertakes to demonstrate the Practicableness, as well as equal Advantage of the same to these Kingdoms. This I thought to be of such seasonable and publick Importance, in reference to the present state of Affairs, as well in order to rectify the aforementioned general Prejudice and Mistake, as to silence all intemperate and unreasonable Murmurs against the Proceedings of the Grand Council of the Nation, in the Methods taken for a Supply of the Naval and Land-forces, that I thought fit to usher it into publick view; as considering that if these Men who most inveigh against Taxes, could be brought to believe that they naturally tend to the Advantage and Interest of the State, and do really conduce to the Enriching and Improvement of it, they must needs cease from their seditious Clamours against, and satirical Reflections upon the Government in this respect; and that this would not be the sole Advantage which would accrue from the clearing up this Mistake, but that all honest and good Men will join more cordially than ever in their unanimous and chearful Contributions to its Support, when they are made sensible, that not only the common Duty of Subjects, that indispensable Obligation of a perpetual Gratitude which they owe to their Deliverer, and the natural instinct of Self-preservation ought to quicken and excite them thereunto; but besides all this, that they are really Gainers by this course, and consequently what they expend upon that account, does after a due circulation return to them with a considerable Improvement and Augmentation.

Taxes

Taxes no Charge, &c.

Worthy Sir,

Pursuant to my Promise at our late Conference, I here present you with a short Essay concerning Taxes, which I submit to your private Censure, and shall not limit you from sending it to the Press, if in your Opinion it may prove serviceable to the Publick.

That Tribute, or as we now call it, Customs, Taxes, &c. were originally a mark of Servitude, is evidenc'd by the Interrogatory of an infallible *Author*, *Of whom do the Princes of the Earth take Tribute?*

Original Intention of Taxes.

But as Government became more humane, the savage Exaction upon Strangers was less rigid; and the *Romans*, who were then Masters of Civil Government in the World, found it conducing to the Establishment of that overgrown and prodigious Empire, to make every part of their Conquest easy to the People, and that in point of Taxes they should be universally equal: which seems to be confirmed by that of *Augustus*, when he order'd all the World to be taxed; wherein we find no Exemption of a *Roman* above others. They were indeed vested with divers other Privileges; but in the matter of Taxes, we find the Wisdom of that Empire to make no Distinction in any that were under their Conquest and Government.

In Imitation of whose equal and prudent Conduct, all succeeding Governments have been guided in tempering of their Conquests, and not, as in the first Ages, making both Persons and Estates the purchase of Victory. By this means, Civilities, Laws, and Christianity have been propagated in the World with that advantageous Success, to which they could never have attain'd, if Conquest had been pursu'd, and employ'd, as in former Ages, in all the inhumane Acts of Slavery, Violence and Rapine.

The *Romans* were the first we read of, that regularly paid their Armies: before them, the *Barbarians* might sometimes divide the Spoil of their Enemies, and other savage ways they had to satisfy their Herds of Men, but no exact Payments were in use until the *Romans*; and for the Maintenance and Encouragement of so good a Government, they imposed Taxes, that so in intervals of Peace their Armies might not be expos'd to the necessity of committing the like Ravage they did in times of War, and publick Hostility.

Abuse of them.

They soon became Artists in taxing the People, inventing ways to bring in Money. That of *Augustus Caesar*, in taxing the whole Empire, seem'd to be in the Manner of a *Poll* with us. There was also a Tribute impos'd upon Passengers going from place to place, and a Custom levy'd upon Goods and Merchandize.

They had also an Art of raising Money from Aliens, upon the account of being admitted to the Privilege of *Romans*; and many other Ways and Devices they had to advance Money, which if duly consider'd, was the chief, if not only Reason why they were so fam'd in the World for good Government, because they paid their Army and Ministers of State so well, that they lay not under the Temptation of Violence or Bribery.

I shall here come to a Close in relation to Taxes, and Impositions under the Heathen Roman Emperors; and only in order to the making good my Position, that Taxes are no Charge, infer from this done by the *Romans*, That 'twas none in their days, inasmuch as it kept the People from Violence and Ravage of the *Soldiers*, and the worse Exactions and Corruptions of *Civil Magistrates*.

We will now make an Enquiry into the Taxes and Impositions of Christian Princes, and then compare them with those of these Kingdoms.

Taxes in Venice.

First then, let us look into the Impositions of Commonwealths, the greatest and most antient is *Venice*. None will say that they are a poor State, tho all must own that they lie under heavy Taxes, insomuch that 'tis believ'd in those Countries the Christians under the *Turks* are subject to less Impositions, than such as live under the *Venetians*, where, besides great Customs upon all Merchandize, they pay Excise for every bit of Bread and Meat, nay for the very Salt they eat; and after all

all this, the poorest Labourer pays his Poll-mony: and yet where is there a richer People? and (which can be said of no Government, either Christian or Heathen, in the known World of such Antiquity) without charge, tho pester'd with continual Wars, at one time for the space of seven Years, they had all the Christian Princes in Europe in a League and War against them, except England.

We will mention the next Commonwealth in Power and Riches, the united Provinces: I need not particularize their Taxes, few there are of our Kingdoms but know them, and that they are so great, that 'tis believ'd the poorest labouring Man in Holland adds to their *Intradoe* four Pounds Sterling a Year, so great is the Excise on every thing they eat or drink: besides upon the occasion of any War, it is usual to raise the fortieth penny upon their whole Estates; yet these People vye with all Nations in matter of Trade and Riches, and 'tis matter of Controversy which of the two, whether they or Venice, in proportion to their Extent of Lands, are the richer. They of Holland out-do them in their common People as to Wealth and Coin. Now then it must be allow'd that Taxes there do no harm, since the very Peasants (Boors they call them) are so rich, as frequently to give a Tun of Gold, which is ten thousand pounds of our Mony, in Portion with their Daughters.

The naming of these two Commonwealths may serve for all under that Distinction. I shall now come to Taxes under Monarchs. To nominate some few, as Instances to supply the rest, I'll begin with the Empire, where Taxes are generally low, and consequently the People poor: for it will be so (as I shall hereafter demonstrate) wherever the rich Gentry, and others have nothing to fetch Mony out of their Coffers by but their own expence, by which the Commonalty can have little opportunity to improve themselves.

Spain follows much the steps of the Empire in their Taxes; and altho there are numerous Causes assign'd for the Poverty of that part particularly under the name of Spain, yet that of their irregular and uncertain Taxes does powerfully contribute to the indigent State of that Kingdom, for that the Country cannot be planted by reason of the Armies living upon the Spoil of it, not having a Penny pay for six Months together; by which means the Country feels little difference between the Conquest of their Enemies, and the quartering their own Forces.

Portugal is more craving in its Taxes, Impositions being heavy on Importations which are of the worst sort, yet better than none: and seeing it raises a considerable Revenue, their Army and Officers of State are well paid, and their Country much richer, and more populous than Spain that borders upon them.

I shall put a period to that part of my Discourse referring to the Taxes of foreign Princes, with that of France, which is rather the Abhorrence than Example of any Christian Prince; his Tyrannical Impositions being grown to an unlimited Exaction upon all Men, both sacred and civil: and yet, if the Barbarity of the thing could have been separated from the Effect, those unbounded Taxes would not have impoverish'd the Country; if the Mony had not been spent out of his own Dominions in Foreign Conquests, which rarely prove beneficial to the Country that invades.

If we consider France, in the beginning of their Invasions on their Neighbours, we shall find them not so rich as they were seven years after, notwithstanding that great part of their Taxes were sent out of the Kingdom to raise Men, and more spent in paying the Army in the Enemies Country, and buying of Towns. Now, at first view this may seem strange and unaccountable, that Impositions upon a People, and a great part of them carry'd out of their Country, should make them thrive: Yet, notwithstanding this seeming Paradox, 'tis a certain Truth, as in the sequel of this Discourse will be fully evident: And, that France might have manag'd a War with all Europe, and not have begger'd the Kingdom, as now it is, if they had not destroy'd it by their fierce Persecution of the Hugonots; for that has evidently been the Ruin of that Kingdom. Whereas had the French Protestants been encourag'd and maintain'd in their Rights and Religion, they would have been their best and most loyal men, both in Peace and War; for so they prov'd in the Minority of this King, in the general Defection of France: and had they been now possesst of their Religion and Rights in France, it is to be fear'd we had not so easily commanded the Seas, most of the French Seamen being of that profession.

We now come to compare the Taxes of these Kingdoms with those of Foreign Princes; and to save multiplying of words, will reduce all under two Heads: First, the Laws, and manner of imposing Taxes upon their Subjects; and Secondly, the quantity and duration of such Taxes.

For

For the *First*, the Laws and Manner of imposing Taxes ; that is as different as the Climates which they are under. I shall not trouble my self, or the Reader, with naming of all the Kingdoms in *Europe*, but shall only instance some of the most considerable : in order whereunto, I shall begin with *Germany*, the Impositions of which Country may be brought under two Heads ; that of the Tenure and Obligation of the Princes, Nobility and free Cities, to furnish a certain number of Men in the Wars against the *Turk*.

In Germany.

The Second, by levying Mony in the *Diets*, neither of which, if compar'd with those of *England*, can be thought easie. That of furnishing Men, is little better than tyrannical in the Lords and Nobles, who arbitrarily force their Tenants, and perhaps Neighbours, to compleat their Numbers, without any Relief in the greatest Abuse, having none to make Complaint or Application to, to redress their Grievances and violent Usage. Then, for their *Diets*, they are so few for the Commonalty, and so much influenc'd and overpower'd by the predominant Interest of their *Grandeess*, that the Impositions can hardly be laid with any equal or just regard to, or right consideration of the Poor.

In Spain.

Taxes in *Spain* are yet more arbitrarily impos'd, the People having no Vote there, but all the Duties laid in effect by the King and his Council : In some Cases they will advise with the Nobility and other Communitys, but 'tis no more than mere Complement, or matter of Form ; for whatsoever the King and Council enact, that they must acquiesce and agree to : and the truth is, it appears so by their irregular, vexatious, and yet most unprofitable way of *Taxes*, in which they are much short and inferior to any Government in *Europe*.

In France.

France makes a fair shew to the People, and yet makes a better Market for the King : He imposes Duties under the pretence of the Parliaments of each Province laying it on the People ; but at the same time, 'tis only the King's Word that makes the Ordinance of Parliament. Not as here in *England*, where it comes last to the King for the Royal Assent : But there the King sends the Parliament word, that he will have so much Mony ; and all the favour they can obtain from him, is, to place it on such Commodities, or Ways, as they think most expedient.

And, 'tis not unworthy Observation to remark, that these Parliaments of *France* are in effect no more than *Courts of Judicature* in Matters of Right betwixt Man and Man, hearing and judging Causes ; and their Places are bought from the King, not elected by the People. So that from such Parliaments nothing can be expected but the King's Dictates.

In Muscovia.

The great Duke of *Muscovia* is above all tyrannical in his Impositions, charging on the Subject what he pleases ; and yet, which is more oppressive to his People, he forestals the chief Commodities of the Kingdom, or what come from others, and sets what Price he thinks fit upon them, by which he destroys his own Merchants and Dealers ; and, where other Kings make themselves and their Subjects rich, by raising Mony on them, he makes himself poor, and his Subjects miserable Slaves, barring them all Industry, by shutting them out from Trade : and agreeably to such Oppressions, his vast Dominions are thinly planted, and poor to a Prodigy ; and had they the Liberty of seeing other Countries, he would yet have a smaller Stock of Inhabitants : but he keeps what he has, by making it Death for all the Kindred of such as go out of his Dominions without his Licence and Permission.

In Florence.

Next to him in arbitrary Impositions, is the Duke of *Florence*, who is not bound in his Taxes, and likewise ingrosses several Trades, and sets what price he pleases upon his own Commodities ; by which his Country would also be made poor, but that he has the Opportunity of other Helps, which the great Duke of *Muscovia* is not assisted with, *viz.* a Country plac'd in the Garden of the World ; and by his making *Leghorn* a Free Port, he has made it the Centre of Trade, and by that got the start of all Princes in *Europe*.

In Swedeland.

The Kingdom of *Swedeland* has many Advantages of raising Mony from the Country rather than People, and yet they are not exempt from Taxes ; all which contributes to the enriching of that Kingdom, which has little of Arts or Trade to improve it, only that which Nature produces : and she indeed has been liberal to that great Kingdom, in Mines of all sorts, tho least of Gold or Silver, but abounds in Copper, Tin, Iron, &c. of all which the King has a tenth, as also of Cattle and Corn ; he has likewise the vast Demesns of Bishops and Church-Lands, out of which he only allows a small Competency to his own Bishops ; and after all this, he has Liberty, by the Laws of the Land, to raise Mony on the Subject, in case of War.

The King of *Poland* is restrain'd, and can do nothing but by the Decree of the Dyet; yet has by that, Power (upon occasion of sudden Straits and Emergences in War) to raise Money upon the People by his own Command, without assembling the Dyet.

Denmark has a Provision for its support above any Kingdom in *Europe*, God Almighty having (as it were) out of a particular Providence supply'd that Kingdom out of its own production, seeing there is little in it either of Arts or Nature.

The Toll of the *Sound* is a considerable Revenue to the Crown, and, as before mention'd, such as no Prince in *Europe* has the like, for that in all other Kingdoms Taxes are rais'd on themselves; but this of the Toll from Ships passing the *Sound*, is from Strangers, that only pass by his Country and cannot reimburse themselves there: Whereas Duties impos'd on Foreigners, that bring in their Commodities to another Country, is no more than laying it on themselves, only with this difference, that they make Foreigners the first Collectors of it.

The other Duties on *Denmark* are not considerable; that on Cattel which they sell in *Germany*, is of most value; as their Intrado is not great, so is their Country poor.

I need not mention the manner of laying Taxes in Commonwealths, 'tis always with the Consent of the People, who are too apt to censure their Representatives, if they give not Satisfaction to the Populace.

And, notwithstanding that of *Venice* is *Aristocratical*, yet have they such numbers in their Senate, that no Tax can be laid but for the good of the Commonwealth, there being, at least, two thousand five hundred Gentlemen of *Venice*, who are all of the Senate; and altho many of them are engag'd in the Wars, and Foreign Employments, yet there can never be less, if but one quarter of them, than our great Council the Parliament.

Thus I have given but a succinct account of the Nature and Imposition of Taxes in foreign Kingdoms, which now in a few words let us compare ours with, and we shall see how happy a People we are above the best of our Neighbours.

And first, let us consider who it is that lay Impositions upon us: 'Tis Men chose by our selves.

The difference indeed is great in the *Modus* of our Taxes, from other Kingdoms, and also in the Use of them. For the *Modus* in other Kingdoms, they generally consider only the Nobility and Gentry, that Impositions may not touch or affect them, and care not how insupportable or grievous they are to the Commonalty: But with us the Taxes reach every man in proportion to his Quality and Expence.

In other Kingdoms they place Taxes only to raise Money, and have no regard to the Trade of their Kingdom, that so their Taxes may not prejudice their Commerce. But in *England* care is always had, that Impositions may not impede our Trade and Manufactories.

Now, as to the Use and Employment of Taxes in other Kingdoms, they also differ much from ours.

In some Kingdoms they are impos'd to enslave the People, and keep them poor, as in *Muscovy*; in other parts Taxes are laid to enrich the Nobility, as in *Poland*; in others, to fill the Coffers of the Prince, as in *Florence*.

Whereas none of these Uses take up our Taxes; they are with great care and caution laid out, and by the same Law that raises them, appropriated for a particular Service, and last no longer upon the People, than the necessity of the Nation requires; for that we never have Money rais'd, but for the Defence of the Kingdom; tho, as I shall shew in the close of this Discourse, 'twould redound to the advantage of the Kingdom, if there were more Taxes rais'd, and these assign'd to publick Uses in Peace as well as War.

I shall now come to the chief Design of this Discourse, which is, to demonstrate, That Taxes are no Charge either to the Kingdom in general, or to particular Persons; but on the contrary a Gain to all.

But to render this Matter the more plain and intelligible, I shall proceed after the following Method.

- I. Shew who in the Kingdom pay the greatest part of the Taxes.
- II. What Use is made of these Taxes; and how they circulate in the Kingdom.
- III. How Trade is improv'd by Taxes.
- IV. That the Poor are employ'd by them.

V. That a Set of Men of no use in the Kingdom, are by Taxes made profitable in the Commonwealth.

VI. That Taxes, especially when Trade is stopped by War, is the only Remedy to keep the trading and mechanick Hands of the Kingdom employ'd.

VII. That Taxes will enrich the Nation, and disperse in it as much Treasure, when there is no Foreign Trade, as when 'tis open.

Who pay
most Taxes.

To begin then with the first Head, *Who it is that pay most of the Taxes.* They are the worst Members in the Commonwealth, viz. The Extravagant and Debauch'd. The greatest Duties are, or should be laid upon Commodities for Pleasure and Sumptuousness, as Silks, Gold and Silver Lace, &c. Now these are wore in the greatest Excess by the Extravagant of the Kingdom, both Men and Women. A *Debauchee* shall spend more out of an Estate of a thousand Pounds a Year, than a regular Man will from that annual Income of five times the proportion, and a Miss lay out more on Clothes than a Countess: So in the Excess to indulge the Belly, as well as providing for the Back, the vast consumption of Wines and strong Liquors is by this sort of Men; nay, the poorest Debauch, that can rise no higher than to Beer and Tobacco, pays ten times as much in the Year, in proportion to his Income, as the greatest Peer. 'Twill hardly gain belief, that there are many of the meaner People, Labourers and Mechanicks, that by their Expence when they are (as too many be) extravagant, pay to the Publick Taxes above one tenth of their daily Profit: As, supposing that a labouring Man may earn sixteen Pounds a Year, he will expend, tho not very extraordinarily profuse, one half of it in Drink and Tobacco, upon which the Duty of Customs and Excise is at least two Pounds of the eight, which he lays out in idle Expences. Now, it would be vehemently decried and exclaim'd against, as the greatest Oppression upon the Poor imaginable, if by a Poll or Land-Tax this Man, that virtually pays forty Shillings, should actually, and above-board, pay so many Pence by the Year.

Thus we see, that most of the Duties and Impositions in the Kingdom are on such as do least good with their Substance; and since they imprudently fling it away upon their Extravagances, 'tis certainly a Benefit to the Kingdom that there are Taxes to catch something out of it, for the improvement of better dispos'd Men, as we shall see in the next Paragraph.

Use of
Taxes in
England.

The *Second* Particular is, What use is made of these Taxes, and how they circulate in the Kingdom. In order to which, there are but two ways in which they are employ'd; one is for the King's Court, the other for Provisions of War, in the maintenance of Naval and Land Forces. Now both these are as well the Employment of Trade and Artizans, as they resolve into the Security of the Kingdom, and the Preservation of the Publick Peace. There is no Money which circulates so fast, as that which comes into the hands of Seamen and Soldiers. Other Men that get Money, frequently lay it up, and so it becomes of no use or benefit in the Kingdom: But Men that live by their Pay, generally spend it faster than it comes in, by which means the Money of the Kingdom, like the Blood in the Veins, has its regular circular Motion, and every Member in the Body is warm'd and refreshed by it, which gives Life and Motion to the whole. And thus I presume this second Instance of the Use of Taxes proves, That they are of Advantage and Profit to the Kingdom.

Trade improv'd
by Taxes.

Thirdly, How Trade is improv'd by Taxes. Upon this Head there is much to be said: And first, it will be requisite to say something of the Nature of Trade, how it affects the Kingdom; for that Trade may in some Cases prejudice a Nation and make it poor, as the Trade of *Spain* does that Kingdom. Trade may also effeminate and debauch a Country, as it does *Italy*.

Now 'tis certain, that we are not free from both these publick Mischiefs and Inconveniences in *England*; tho our Fortune is such, that being Islanders, and Masters of one Commodity, which no Kingdom has in that perfection as our selves, to wit Wool, this hath put our People upon Manufactories, which is the Treasure of this Nation, and keeps our Exports to a Ballance with our Imports: otherwise this Kingdom would have been as poor as *Spain*, and as effeminate as *Italy*; but the Employment of our milder sort in Manufactories at home, and the more robust at Sea abroad, keeps us a People in action, and so preserv'd from the Luxury and Effeminateness of *Italy*, and the Poverty of *Spain*. I need not spend time to prove how far we are tainted with the Mischiefs before mention'd.

Our Trade with *France*, in all Ages past, sufficiently proves, That a Kingdom ^{Trade with} may be made poor by Trade, as we should have been by the vast Treasure their ^{France per-} Linens, Wine, Silks, Toys, and Salt, drew from this Kingdom, if our other Com- ^{nicious.} merce in the World had not ballanc'd our Loss there.

Nor are we free from the Effeminateness of *Italy*, which I take to be the Returns of our Gentrys Travels; a Mischief to be lamented, rather than expected a Reformation of, since we are arriv'd to that height of Vanity, as to think that Man not accomplish'd who is not become Master of the Delicacies of *Italy*, and extravagant Modes of *France*.

But to return to my Province, How Trade is improv'd by Taxes: For the proof of which Assertion it seems plain, That some Trade may impair a Kingdom, and such Taxes and Impositions may abate by imposing such Duties as they cannot bear. So far then it will be allow'd, that they improve Trade, as we commonly say, *Saving is Gain*; so if we keep out a destructive Trade by Duties, we may allow that an Improvement of our own.

But to come nearer to the matter; Taxes improve Trade, by employing numbers of idle Men in Naval and Land-service, that would otherwise be of no use, but on the contrary a Pest and Charge to the Commonwealth. We seldom see any list'd into the Army, that are Men of Industry or Labour; such Persons are the Wens and Excrescencies of the Commonwealth, that deform but not strengthen the Body; and these being paid by the Taxes of another sort of Creatures, as before mention'd, are of no use in the State: but to throw abroad the Treasure left them by their Fathers, is virtually an improvement of Trade; for that all, like the Rivers in the Sea, terminate in the hands of Industry and Trade; and perhaps, if duly consider'd, more Men, and with more certain profit, make Voyages within this Island upon this Fund, than there do to most of our Foreign Trades. And in this place I must touch again upon the nature of Trade, to shew that private hands may raise their Fortunes by a Trade, that may yet be a loss to a Kingdom; as in that of *France* already insist'd upon, many, I was like to say too many, have acquir'd great Estates by. Now all the Hands employ'd in that Trade were no better than Robbers of the Kingdom, in carrying away our Treasure, as we use the *Moors* who give us Gold for Glass-beads.

There is another sort of Trade, that tho it may not immediately carry away any of the Stock of the Kingdom, yet it does hurt in taking off Hands, that might be employ'd to the Advantage of the Kingdom. Now in both these the Trade of Taxes, for so I will call it for the future, has the advantage, for that it carries nothing out of the Kingdom, nor yet takes off Hands that would be better employ'd; but on the contrary, takes away the Disease of the Country, Idlers, and makes 'em at least so profitable as to spend Money, which they would not be able to do, if the Publick Revenue were not their Stock.

Fourthly, The Poor are employ'd by Taxes, and are by that means taken off from being a Charge to the Kingdom; many Men of broken Fortunes are brought into the Hospital of the Revenue, which may be so accounted, since 'tis generally fill'd with Persons that are reduc'd to such Necessities as qualify them for Charity. ^{Poor employ'd.}

This is one way that Taxes employ the Poor, but not the main thing I mean; which is, That the Trade of Taxes employs the poor Artizans and Mechanicks, and that in a greater measure than our *Virginia* and *Plantation-trade*, which we with so little reason so much boast of in these Kingdoms.

By the Observations I have always made in my traversing the World, I find, ^{Richer the little Republick of Luca,} that those Parts have been most opulent, and the People safest, that fill'd their own Hives, and kept their Swarms at home. That little Commonwealth of *Luca* to me seems a Pattern for all the Princes of *Europe*, which is as practicable in the greatest Dominions as in that little Spot, whose Land and Cities (having *Luna* join'd to it) are all circumscrib'd within the limits of six or seven Miles square; yet in that compass they are able to raise about twenty thousand Horse and Foot: a thing almost incredible, but known to all that have travelled that way, and were curious in such Enquiries.

These People are of wonderful Industry, and enrich themselves by their Manufactories, which they go not abroad to seek a Market for, but mind their Work at home, and so become more considerable than those that spend their time in Travels, being by their settl'd living able to afford the Commodities they make, cheaper than the *Genoese* and *Florentines* their Neighbours.

When I see in Foreign Parts, how rich and powerful a little Seignory, Commonwealth, or State is made by husbanding their People; I often lament the Misfortunes of my native Country, that might certainly abound with the greatest and most formidable People in *Europe* if they follow'd their steps. I have taken up some of your time in this discourse of Trade, which may seem foreign to my Subject of Taxes; yet I must be oblig'd to do it in all my future Arguments, because Taxes both arise out of Trade, and maintain Trade.

To return then to where I left off, That the Poor are employ'd by them in their several Occupations: How many thousands of Tradesmen have we, that are supported by our Land and Sea-forces, which could have no vent for their Commodities, if they were not taken off at home? Saddles, Bridles, Swords, Guns, &c. have no Foreign Market; yet these employ thousands of Hands who are paid by Taxes.

Benefit of
Taxes in
improving
Mony.

Fifthly, There is a set of Men, who like Rats in a Ceiling live upon Prey, and do no good in a Commonwealth, which these Taxes ferret out of their Holes; those Impositions, I mean, which our Parliament has with great Wisdom now laid on Stocks by Poll; for nothing but Land-taxes will reach Usurers and Misers, who spend nothing but for the supply of the Necessities of Nature. Now these Men are the Moths of the Country, it being more mischievous to the Kingdom in general to hoard up Mony, than for Robbers to take it by force; and tho the Law protects these silent Thieves, yet they are real Criminals, that lock up the Tools of the Industrious, many suffering through want, that could be profitable both to themselves and others, had they but Mony to set them at work. Usurers are by too many thought a Vermin in the Commonwealth; I cannot but have a better opinion of them, and think that the Pest and Plague of the Nation is a sort of pious Extortioners, who declaim against Usury as unlawful Gain, but will buy for half Value any thing they can meet with from a Person in Extremity: And next unto these are such as adore their Bags, and will upon no Terms part with these Deities; their Bags are no Thorowfair, only a way in, but none out. These Men are by Taxes made against their wills small Benefactors to their Country; and it were to be wish'd that our great and wise Council of the Nation would yet pursue them farther, and lay a double imposition upon Mony lock'd up in Chests, more than what is out at Usury, which being employ'd, is on the Duty it was made for; but the other is in Captivity, and the Poltroon should be punish'd for his Cruelty.

Taxes im-
ploy men in
Trade.

Sixthly, Taxes, especially in time of War, are the only preservation of all Men employ'd in Trades and Manufactories; and perhaps not much inferior to Foreign Trade, if in all respects consider'd: For as to what is spent in the Kingdom, if it bring nothing in, yet it carries nothing out; and so far Taxes are profitable, in that the Kingdom is not the poorer for Mony so rais'd, and so spent; and in Times of War, and prohibition of Trade abroad, if Mony were not rais'd by Taxes, and that employ'd among our Mechanicks and Manufactories, Men would be forc'd to seek their Bread abroad, and the loss of Men is the greatest misfortune that can befall a Kingdom. The Practice of the *Dutch* in burning their Spices when they have such Quantities as would lower the Price, might be something of direction in this case; and it seems a good piece of Government to employ all our Hands in time of War, as fully in our Manufactories as ever in a free Trade, tho when they were made they were burnt, it being of dangerous Consequence to discontinue Trade. There is no adjourning Labour, and Mechanical Arts in a few months will either lose the Men, or they their Trade by some other course of Life.

Taxes
make Mony
circulate.

Seventhly, That Taxes make the Kingdom rich, and in time of War disperse as much Mony in the Nation, as Trade does in time of Peace.

Here I must touch again upon Trade, and enquire what Trade brings us in Bullion, Gold, or Coin, for we have some of all: tho considering the Value of our Native Commodities, 'tis wonderful that we should have so little; and that of those numerous Trades, which our Navigation intitles us to, we should by carrying in our Ships our own Manufactories, out of all those Advantages add so little to the Treasure of the Kingdom, and bring home no Bullion, but by our Trade to *Spain*, and some little from the *Levant*, our *Guinea* Trade, and for some Years past, *Buccaneers* in the *West-Indies*. But that which is our best Fund, is the Trade of *Spain* and *Portugal*; the former is made considerable to us by our *East-India* Commodities, which fetch from *Spain* more than we send out in Specie; tho some believe the *East-India* Company does us hurt, by carrying out the Gold of the Kingdom.

Now

Now then if the greatest part of our Trade consists in bringing in Commodity ^{Commodity for Commodity, good part of Trade.} then all the Benefit of that Trade is, That it gives Employment to our common People in their Mechanick Arts; and if we can do that by our own Expence at home, it is more the Profit of the Kingdom, than by sending them abroad, for thereby we avoid the Hazard of the Sea, and other Accidents abroad. It seems then that Taxes do that, since they issue forth Mony for payment of our Artizans and Mechanicks, who are employ'd in making Commodities for our own use, and at the same time enough for that Foreign Trade, which furnishes us with Bullion: And by this it appears that we are much greater gainers by the Trade of Taxes, than by all our Foreign Trade, which brings in nothing but Commodity for our own expence. We see that the Care of our Parliament is, to prevent the Importation of Foreign Commodities, and to encourage that Commerce which brings us in Mony for our own. This then is the surest Trade I know for that purpose, of laying such Impositions as may fetch out the Misers Hoards, which are as remote and foreign to the Employments of the Kingdom, as those in the Mines of the Indies: and I know no difference betwixt bringing Treasure out of an Iron Chest by a good Law, and plowing the Seas by long and dangerous Voyages; only the Advantage seems greater, by getting it from an Enemy at home, than a Friend abroad. But undoubted it is, that the Kingdom is as much increased in its Common Stock, as is brought out from the monied Men. It would exceed the Limits of a Letter to evince what I am morally sure of, That the Poll and Land-taxes, pass'd this last Session, have actually brought into the Bank of Trade more ready Mony than came into the Kingdom during the late King's unhappy Reign; and 'tis a vulgar error to believe that Taxes even to the meanest Man is a Charge, for that his Mite is with Increase return'd by the expence of that, which would never have seen day but by the Force of a Law. So that Publick Taxes expended in our own Country, may be accounted the Poor and the Mechanicks Bank, by which they are employ'd and maintain'd; and as the meaner Sort have advantage by Taxes, so have they of better Quality; the Landlord has his Rent the better paid by the quick returns of Mony; the Merchants, and other Traders, find it in their Payments and Receipts; the Country Farmer in the sale of his Corn and Cattel: for this is certain, that most mens Expence, either in Clothes or Food, is according to their Mony or Fortune, not Appetite or Vanity; many men content, or rather confine themselves to a Three-penny Ordinary, that would spend Twelve-pence if they had it.

So that after all the noise and clamour that is made in the Kingdom, inveighing literally against the heavy Taxes which are on the Subject; this unreasonable declaiming is made for them whom no Man loves, the griping Misers that hoard up Mony; ^{Misers and Usurers pictur'd.} for he indeed seems only aggriev'd, that pays out to support Trade, in which he never had the Heart to do good: and even this Man would be a gainer by Taxes, if he were not separate from humane Society, and trusted neither God nor Man; whatever he has to do in the World, is to see that he runs no hazard in it; and whoever he deals with must be sure to him, tho he cannot be sure to himself. And besides this extreme Earthworm that hoards, there is another Set of Men that do little good in the Commonwealth, and that is such as have more Mony by them than they can employ, and perhaps would gladly put it out to Interest but cannot: These are less faulty than the former, yet should be oblig'd to do some good with their Treasures, and the best way seems to lay a round Tax upon their Mony. 'Tis with reason believ'd, that there is now ten times the proportion of Mony in the Kingdom, as was in the Reign of King James the First; yet not more stirring in the Kingdom, but what is brought out by Customs and Duties. Then would it not be as beneficial to Trade by Taxes upon the Misers and Hoarders of Mony before mention'd, to fetch it out from them, as with Ships to get it from Foreigners? We have rich Mines at home that may keep us in full Trade these ten Years, if we had none abroad; and nothing but such Impositions as may supply the want of Trade, can keep our Artizans and Manufactories together.

Thus I have huddl'd together a mixt Discourse, which I fear may be troublesome to collect, and shape for your apprehension; but your greater Judgment will unite its Incongruities: I can only justify the Matter to be in the main of it, Collections from the practice and usage of other places; for what relates to this Nation, you are a better Judg than I am, who am guided by the practice of Trade, and that is, I doubt, too often exploded by Ministers of State.

I confess, the Fatigues of Government are above the Conduct of a *Mercantile Head*; and therefore I acquiesce without much enquiry into them, only sit often down with doubtful Conjectures of the Issue of our present Affairs.

I mean not of the present Distractions, which an inconsiderable number of Malecontents fling among us, whose Profession more immediately obliges them to the Character of *Peace-makers*, than it does other Christians: These will cease with the *Romish Interest* that masks it self under them; but that which I fear is, a distraction of the Trades, Manufactories, and Industry of the Nation, because I see none concern'd for it. The Tumour of the Times looks more like the Risting of a Camp than Improvement of Trade and Commerce; most Men in Court and City pursuing Employments, Civil or Military, which I take to be an ill Omen, and doubly to be blamed.

First, For Men of Fortune and Employment in Trade, to take away that which should be Bread for the decay'd Man.

And then, *Secondly*, it is mischievous to the Commonwealth to have Men that can employ themselves in it, to be taken off from promoting the Publick in their proper Station.

Having thus run through the Nature and Use of Taxes, with the Reasons that seem persuasive, as to the great help they are to the support of this Kingdom; you may perhaps expect I should say something of the way how Taxes may be most beneficially and easily lain, but in that I am bar'd by some impertinent Pens, who are every day printing their Follies; to which is added an unaccountable Boldness, not to say more, by their designing to direct the Great Council of the Nation. I could name several that have taken pains in this Matter; but omitting others, I cannot but name a Paper I saw the other day, intituled, *Proposals humbly offer'd to the Consideration of this present Parliament, being a soft and easy way for raising of Money in order to the perpetual maintaining and defending of this Kingdom.*

The Author there tells you how the Nation shall be supported by a Miracle; and if it were only so, I might not think it impossible; but as our Faith must be above Reason, yet not against it, so I think are Miracles: But perhaps this Gentleman has another Fund for his Invention out of the Turks Opinion, That Lunatics and Idiots are inspir'd; and such may be thought so, that propose to break the most antient Tenure of *England*, and to raise up a Treasure, which, to use his own words, *No body ever thought of before*; a stock of Honesty to pay Fleets and Armies. He's only short in not proposing a way, how to make that Treasure saleable; for he that has it, will not part with it; and they who have it not, are seldom in love with it, nor will take it in payment without the Gentleman's Token, that found out this unknown Treasure.

I beg pardon for this Digression, which I make only to shew the Cause why I am loth to croud in among the Politicks, which he that gives this Advice to the Parliament often mentions.

But tho I dare not presume to direct the best and most profitable way of Taxes; yet I will here name such as I think are not the most desirable, and then mention such as in other parts of the World are thought most agreeable.

For such as I take to be uneasy to the People, and not most profitable to the State, are,

Taxes on
Offices.

First, Those that are levied on the Subject by way of Fees in Offices. This, which in its original was either to be a Profit to the Crown, in bringing in Money to the King's Exchequer, or an ease to the Crown in saving the charge of Salaries for Officers about the Law, &c. is now become neither. Perhaps, if an Estimate was made, there would be found some Millions *Sterling* rais'd in this Kingdom on Offices, of which there comes not the thousandth part into the King's Treasury; nor, which is more strange, not a Penny sav'd of the King's Charge in maintaining those Officers. Some have thousands a Year in Fees and Perquisites, that yet have a large Salary from the King.

Others have Offices, whose Fees, when first establish'd, would but afford an honest Livelihood to the Officer that officiated; but in process of Time 'tis advanc'd to ten times that Value, and now is manag'd by a Deputy, perhaps for less than a twentieth part of the Profit of the Office. This seems a grievous Tax, and would be thought so if appropriated to any particular Use of the Crown: As for Example; If the Parliament should give a certain Tax to the King for maintaining a War with *France*, and this Tax, contrary to expectation, amounted to five times the Charge of

of that War, would it be thought reasonable for the King to demand a farther Supply from the People? Or rather, would it not be thought equal, to ease the Subject of so much of that Tax, as is surplus to the Charge?

The Case seems Parallel in Offices, and if enquir'd into, there may be thought almost enough there to save the Kingdom from other Taxes; but I would not be understood to invade any Man's Property. The wisdom of the Nation might find Expedients to do a general Good, without a particular injury to any Man.

Secondly, Poll-Mony seems an unequal and unprofitable Tax; unequal, if it be by a general way, all Heads to pay alike, the Cocker with the Lord; and unprofitable, if it be by distinction of Qualities, for that it gives great opportunity of Frauds in Collection, and not without some in point of Estate and Quality, broken Men thinking it, and too often affecting a Credit, by being return'd in the Poll-book of that value, which in truth they may not be. Poll-Mony Taxes unequal.

Thirdly, Such as are raised by Benevolence, are the worst of Taxes, and this of Free Gift is of double Consideration. First, as it is from the Subject to the Prince, and then as it is from the People one to another. Benevolence no commendable way.

Benevolence from the Subject to the Prince is dangerous, in that it brings Men under discrimination; he that gives not largely, perhaps beyond his Ability, will be look'd upon as disaffected. And such is the unlimitedness of this way of taxing, that Men have no Rule whereby they may be safe, but shall, it may be, be compar'd to Men of twice their Estates, or that which is worse, with Sycophants, Fools of the times, who are extravagant in their Contributions to that Government, which refunds them equally to their Service.

That of Benevolence one to the other is a frequent Tax in the Kingdom, and in my opinion one of the greatest Mistakes in our Government.

There is nothing more common than this, given by Authority, for Losses by Fire, and other general Calamities. I seldom see it for Losses at Sea, tho they are yearly much greater than those by Fire. But to return this way of raising Mony by Benevolence to relieve one another, is a Tax on the best Men, and an Impunity on the worst. Good Men are apt to commiserate the Necessities of their Neighbours, when bad Men too often rejoice at them, and seldom give any thing to relieve 'em; 'tis God only that can regulate the Affections, Man can compel the outward Conformity. And there seems in nothing a greater want of the aid of Government, than in this of Payments to any Publick use, the want of which renders honest Men a Sacrifice for uncharitable Misers.

I have sometimes thought the Collection for the Poor at Church-doors no better; for till all Men be alike virtuous or vicious, that can be no equal Levy that leaves Men at liberty. The Government are best Judges of what the Poor should receive, and the Rich pay; and if that were thought convenient, it seems to me most equal, where every one should give to the Relief of his distressed Neighbor, according to his Worldly Substance, not Christian Charity.

Fourthly, Impositions upon Men for their Religion, seem no good way of Taxes. Indeed the truly conscientious Man will think that well bestow'd which purchases the Exercise of his Religion, but that is no warrant for imposing it. We may say under the Gospel, that which David could not under the Law, that he would not serve God with that which cost him nothing. Taxes for Religion disapproved.

I so much doubt my Judgment in my own Province, that I dare not intrude into that Sacred one of Divinity: but think it allowable to take any choice of Opinions in this matter, and with those I join that think no Error in Fundamentals should be allow'd in a Christian Church, nor any difference in Circumstantials purchased by Mony.

Fifthly, Monopolies are an ill way of raising Mony; for any set of People to have the particular selling of any Commodity, or using any Arts, tho they pay a great Rent to the Government, is yet a great Prejudice and Tax to the People, where no Industry should be restrain'd. Monopolies.

Yet I am of Opinion against them that think the Turkey, Hamborough, East-India, and other Companies for Foreign Trade, a Monopoly. The Case is vastly differing, and so far from hindering a publick Good, that they preserve those Trades in the Kingdom, which would be torn to pieces by a confused and general Trade: This was evident in the time when the East-India Trade was at large; but this requires an ample Discourse of it self. Companies in Trade no Monopolies.

Sixthly, I take the Alteration in the value of Mony to be a Tax, and no good one. We are less afflicted with that than any People in the World; yet some little touches Alteration of Mony a bad Tax.

touches we have had, rather by accident than design, so needs the less to be said on them : but wherever 'tis used, the Subject is the Sufferer ; for call Money what you will, it has its Standard in the World, and is no more than what other Nations account it, according to its Intrinick Value, not what Name any King or Government gives it.

Now, If a Prince, as the *French* often do, raise Money in Name, the Landlord and Officer, that receive Fees and Pensions, are the Losers. The Merchant and Tradesmen lose but once, by as much as they have in their hands, at first coming out of the Charge ; but those Men of real Estates are Losers, as long as it lasts, for that they must take it for what the Government calls it ; but the Merchant and Tradesmen will not, because they put a value upon their Commodities accordingly. If the Government makes twenty Shillings three and twenty, the Merchant will have three and twenty Shillings for twenty Shillings worth of Commodities : So that he must value it according as it bears in the Intrinick Value ; for in proportion to that he buys and sells throughout the World, however Kings and Governments give Names to their several Coins. So we see it in *France* and *Holland*, where they reckon their Cash by *Livres* or *Crowns*, and in *Holland* by *Gilders*, and *Pound Flemish* ; yet still the Merchant rules himself by the Standard in *England*, which is thought the best in *Europe*.

Taxes on
Travellers
not good.

Seventhly, Raising Money from Travellers and Passengers over Bridges and thro Cities, as they do much in *Holland*, seems an unequal Tax, and subject to great Frauds. I take it to be unequal, because generally 'tis the poorest and most industrious that are liable to it, and perhaps it often reaches those that are travelling to find out Charity, or labor for a Living. Now, to exact from them before they have purchased it, is a Severity equal to that of making Brick without Straw or Stubble.

'Tis liable to great Frauds, since 'tis impossible to have a Check ; so that the Gatherers are under great Temptations, and the Collectors being Men of mean Quality, are apter to be seduced.

Those Taxes seem most beneficial to the Government which pass thro few and most solvent hands. And, as 'tis secure for the State, so 'tis most easy for the People ; and the better Impositions are collected, the more are the People disburden'd from new Levies.

I shall now come to shew what are thought in other Kingdoms most advisable, and they are these.

Excise in
Holland.

First, That of Excise, which is most used in the *United Provinces*, which we should here think intolerable to be laid on every Bit which we eat ; but there it is found useful, and time has made it natural to the People : so in *Venice* and other Parts. The great Duke of *Florence* does the same, by raising most of his Revenue upon Consumptions in his own Dominions, which indeed seem of all Taxes the most equal, for that no Man by it can be said to be oppressed, he being his own Assessor, and pays but what he pleases, according to his Expence : But laying it, as they do in the *United Provinces*, upon the Food of the Poor, might be thought a Grievance. If that, and one Defect more, could be remedied, there could be nothing said against this Tax ; and that is, the Rich Miser (who starves his miserable Body) goes most free ; therefore, as to him, I have before given my Opinion how he might be reached.

Where this Excise is most used, Importations and Exportations are most eased, by which means Trade is greatly improv'd, and at the same time the Levies to the King or State much augmented ; for that the expence of those Merchants and Seamen that repair thither, tho they often sell nothing, but come to see a Market, is considerable.

In some
Countries
the Jews
tax'd.

Secondly, In other Countries *Jews* are particularly tax'd, and for which there seems good reason, for that no Tax hardly reaches them, but like the Misers before spoken of, they are indeed beyond them, because Excise toucheth them not ; they neither eat nor drink with Christians ; a few Eggs or Herbs are most of their Food ; live sordidly, and spend little ; have no Lands or Rents to be reach'd by any Tax : Nor is their Trade profitable to a Kingdom, or advantageous to the Revenue, dealing most in Bills of Exchange, Jewels, and concealable Commodities, that pay no Duty.

These Men should be reach'd by a particular Tax, and so made profitable to a Kingdom.

Thirdly,

Thirdly, In some places the Government maintains Playhouses and Matters of ^{Playhouses} Sport and Recreation, paying the Actors Salaries, and taking the Profit into their ^{ses.} Treasures : and in other Parts, as in *Holland*, the Publick have one that takes part of what is given by the Spectators ; so that they may make a Gain out of that wast Mony, for no better can I term it. If a Calculation was made of all the Mony spent in *England* by such Diversions, it may be thought, a round Sum might be rais'd to the King. Does it not seem an Omⁱssion, that a Playhouse which receives twenty thousand Pounds a Year, should pay nothing to the Publick ; when a Coffeehouse, that receives not one thousand *per annum*, pays twenty Pounds ? And so it is in Musick-Houses, Bear-Gardens, and Plays in Fairs, &c.

Fourthly, In some parts of the World, as *Italy*, *France*, and *Spain*, there is a Tax of ^{Condemn'd} Labor upon Malefactors condemn'd, such as we here punish with Death, to the Gal- ^{Malefac-} lies and Mines ; which is a Punishment of greater Terror and longer Example than ^{tors taxed} Death, and at the same time of Profit to the Kingdom. I have often thought upon this particular, and spent hours in debate with my self ; and therefore shall beg your patience, if I trouble you with a tedious Harangue of but part of my Con-
ceptions.

I have enquired first into the Law of God, then into that of other Kingdoms, and find that we differ from both in our punishment for Felonies. The Law of *Moses*, which is more severe than ours in many things, (as that of Adultery and Disobedience to Parents, the latter of which is by our Law not so penal as a broken Head) yet in Felonies not so extreme as we are ; so far from making it Death, as not to inflict a Corporal Punishment. The restoring of four-fold was directed by the great Judg of Heaven and Earth ; and if the Thief had nothing to make satisfaction with, he was to be sold. But our Laws and Customs differ much, when we punish the Kingdom for the fault of an evil Member. It will not be denied, but that the Treasure of Men is of more value than that of Mony.

Now, to take away the Life of a Man, is in its proportion equal to a Man's cutting off a Limb, because it is sore. A Thief is a diseased Member, better to be cur'd than destroy'd. 'Twill be thought an extravagant fancy, yet to me it seems a real truth, that a Thief is less mischievous to a Body Politick, than a Miser ; for he only makes a wrong transferring of Riches, the other (I mean the Miser) keeps all buried, so that the Community is wrong'd by him, and only particular Persons by the other : and, as the taking away the Life of a Man weakens the Kingdom, so does it injure the Person rob'd ; for that if the Thief were not able to pay, then might he be sold, and kept at work in Mines, or at other penal Labor, both for satisfaction to the Person injur'd, and corporal Punishment to the Offender. And it may be thought to be of more terror, to have a Spectacle for many years labouring with a shaved Head in Chains, than an Execution of half an hour, that is oftentimes soon forgotten.

I have nam'd but these four Heads for all the Foreign Use in Taxes, because I do not remember amongst the numerous ways they have, any other practicable and profitable in these Kingdoms. The two latter of these we do not use ; but I presume, if they were taken into the consideration of better Heads than mine, they might find a way to make something out of them : forasmuch as I am able to judge, a great Revenue might be made to accrue to the Kingdom out of the Vermin of the Nation, leud Persons of both Sexes, who now pass as if tolerated in their Enormities ; and only one Set of them that the Law seems severe against, punishing them with Death ; which by so much appears to be the worse, by how much we suppose nothing too rigorous for Offences against our selves, and nothing too little or indulgent for Crimes committed against God.

I am, S I R,

Your humble Servant.

A Discourse concerning Mechanick Industry:

Shewing, how the Incouragement thereof does naturally tend to advance the Interest of Popular Governments, and Civil Societies both in their Religious and Political Rights: And that the Discouragement thereof has prov'd the Ruin of the greatest Monarchies in the World.

Printed in
the Year
1689.

THE PREFACE.

SO visibly is this Kingdom degenerated from the great Atchievements of Virtue and Industry, into all the soft Indulgences of Sloth, and of an effeminate and luxurious course of Life (the former the Dignity and Preservation, the latter the Re-proach and Ruin of a State) as makes it a Work of as great Seasonableness as Necessity, to endeavor a Recommendation of such laborious Improvements, as may in some measure regain to us that high Reputation and Esteem in the World, which was justly due to the industrious management of our careful and active Predecessors, and which our present Idleness and too apparent neglect of Mechanical and other Employments, has either incur'd a Forfeiture of, or at least can pretend no good Title unto. The nature of this Subject, chiefly relating to matters of Trade and Business, seems not to require any great Art of Rhetorick, or accuracy of Expression in the Composure; and so comes not with those Ornaments and Embellishments of Oratory, and of a correct and eloquent Style, which are due to more learned and refined Discourses. 'Twill (I presume) be satisfactory to the judicious Reader and to Men of Action, if they find any thing of weight and substance in it, that may be of force to evince and persuade them of the reasonableness of what it proposes, and that what is here offer'd for the promoting of Mechanical and other Arts, is neither impracticable, unnecessary, nor yet unseasonable in the present Juncture of Affairs, and this Age of declension from Labour and Industry: But on the contrary, will (if pursu'd) derive publick Advantages upon the State, as well as tend to the Preservation and Advancement of private and individual Interests, which from the Methods laid down in this small Tract, we find to have already accrued to other well-govern'd Commonwealths, in a due and regular Exercise and Incouragement of Arts and Occupations of all sorts. This being the principal Aim and Scope of the following Discourse, will not (I hope) upon its perusal appear altogether void of, or defective in its Design; which to enforce by prevalent, if not cogent Instances and Inducements, I have attempted to give the Reader a succinct View, or an Abridgment of those National Mischiefs and Calamities, and these the most remarkable, both in Antient and Modern Governments, which have been entail'd upon Luxury and Idleness, how they consum'd the very Vitals, and became destructive of the four great Monarchies of the World, the Assyrian, Persian, Grecian and Roman: How several Countries in this Age lie wasted and depopulated; some from an high and flourishing, descending to a most indigent and contemptible Estate; others remaining a sterile and uncultivated Chaos, stock'd with a sort of rational Brutes (pardon the illogical Expression)

Expression) which have nothing but human Shape to denominate themselves Men; and the source of all this bestial Inhumanity or barbarous Rudeness, is the want of Arts and Labour among them. On the other hand, I have shewn you the prodigious Rise of other Places, from an abject to a very wealthy and honourable Condition, effected by means of their great Industry: and in fine have parallel'd both in an applicatory Relation to our present Constitution and Government, as well demonstrating how our luxurious Ease and Plenty, and the discountenancing of Labour among us, threaten an Introduction of that Ruin which has attended other Nations that sunk into Voluptuousness and Sloth; as prescribing of other Kingdoms as Patterns of our Imitation, who are fam'd for their Industry, will in consequence confer upon us proportionable Emoluments and Advantages.

A Discourse, &c.

THAT which the Great *Jehovah* justly inflicted upon *Adam*, as a Punishment due to his violation of, and apostacy from his original and pristine Estate of Innocency, [*In the sweat of thy Face thou shalt eat thy Bread*] was in the days of *Solomon* turn'd from a Curse into a Blessing: For this being pronounc'd by God to *Adam*, as well in the nature of a Command (obliging him and his Posterity then in his Loins, to a laborious course of Life for the future) as by way of a just Judgment upon him for his voluntary Defection, did consequently derive many secular Felicities and Enjoyments upon such as liv'd in obedience and conformity thereto. The Golden Age, or rather that momentary state of Integrity (not so in its own nature, but of Man's continuance in it) was indeed exempt from all painful Anxiety or laborious Toil. Nature, as a plentiful Store-house, furnish'd every living Creature with proper and distinct Provisions, without any Cultivation or Improvement, Art or Industry; the whole Universe abounded with plenty of its own production, and seem'd like a Tree overcharg'd with Fruit, to bow down to *Adam*, that so he might easily and without any trouble pluck of all sorts except that of the forbidden, which tho but one, must needs be tasted by his extravagantly delicate Palate, which sour'd and imbitter'd all the pleasing sweetness of the rest; and those things which he had so freely fed upon before, must now be eaten with sorrow all the days of his Life.

What the
Curse of
Adam.

Man thus wilfully descending into a laps'd condition, from his free and happy Estate in *Paradise*, the whole World, and all the Creatures in it (as a Curse appendent to his Fall) by the immediate designation of Divine Providence, became degenerated from their admirable subserviency and usefulness, so fitly accommodated to the conveniency of Mankind in their first Institution. That which had of it self brought forth *Fruits*, and variety of *Herbs fit for the use of Man*, must now be cumber'd with *Thorns* and *Thistles*. Nature is now so far declin'd from her first Estate, that Art and Industry are indispensably requir'd to preserve her from Ruin; and the Breach made by the Fall of *Adam*, must either be repair'd by human Diligence, or else she will sink under her own weight, and return (at least by gradual Approaches) to her primitive Chaos and Confusion. This being then the state of Affairs under the Fall, so different from and inferior to that of Original Innocence, which naturally flow'd with an abundant affluence of all worldly Blessings and Enjoyments, and which seem'd like so many Corrivals equally contending which should first court Man's Acceptance, and invite him to solace himself with them, rather than require a laborious search or indefatigable toil in their pursuit: It remains then, that if any would under this laps'd Oeconomy and degenerated Government of the World, arrive to a tolerable degree of Felicity in it, or to a participation of the Divine Favours, and still bountiful Provisions of Sovereign Providence; the way to compass these naturally desir'd Accommodations is, by Labour and Industry, by a diligent pursuit and industrious management in the World. For since the State of Original Purity soon expir'd, and that Pains and Toil are not only the Curse, but Condition of the Laps'd, which God has appointed us to make use of, if we would taste of the Comforts and Emoluments of human Life: It is plain then, that it is as well a Duty prescrib'd them from God, as the most conducive

Industry
preserves
the World
from Ruin.

Instances of
Princes be-
ing given to
Industry.

ducive Expedient for mens Interest and Advantage, to apply themselves with vigilance to their respective Vocations and Capacities. And this is an undeniable Truth, not only capable of illustration from several Instances in the infant days of the World, which may be derived from the Patriarchs, whose Labour and Industry were the Marks of their Honour and Dignity; but is also evident from the *Gentile Kings* in this Case: as for instance, the King of *Moab* who was a Sheepmaster. And however the Mechanick and Rural Employments are now (by the vanity of the Age) become contemptible; yet we find, that he that was the most competent Judg of these Matters, made choice of two of the first Kings of his People out of such. And we do not read that Royalty in them put a period to the Employments of the Fathers, so as not to descend to their Children. On the contrary, we read that *Abfalom* had his Sheep-shearers and his Corn-Fields in his own management, as appears by remarkable Instances. But now the prodigious growth of the World, as well in Impiety as in Mankind, is arriv'd to that height, that *Nimrods* are rather chosen than *Davids*, and Government oppress'd with a greater burden of Labour and Toil, than that which is annex'd to the Plough.

Seeing then that even the Throne is not exempt from Labour, and consequently he that sits upon it not divested from Care and Anxiety; it seems but reasonable that there be an exact Harmony and Consort betwixt the Prince and the Subject, and that every String in the grand Instrument of the World should be wound up to its height, that so there might be no Jars. In order whereunto, it shall be my Work to shew, That tho it is impossible to bring Men to conformity in all Points of Labour and Industry, yet that 'tis extreme easy to effect such a Reformation as might free this Kingdom from that Load and Oppression of useles Men, under which it labours so much at present; and yet not part with them, but rather take such Methods whereby every individual Person may become a profitable Member to the whole Community. For tho this Kingdom is plentifully stock'd with too many Persons who are addicted to Idleness and Sloth; yet has it too few Mouths in general, and cannot be accounted above one third peopled, if compar'd with other parts of the Universe.

And therefore in this Discourse, I shall *First* shew the *Mischiefs* that attend those Countries where Men are suffer'd to live without honest Employments.

And in the *Second* place, shall particularize some Instances, setting forth how Men are oblig'd to Employments in some Kingdoms, and the good Effects which result from that Engagement.

And in the *Third* place, shall demonstrate with what good Success the same might be effected in this Nation.

Mischiefs
attending
Idleness.

In reference to the first of these Particulars; If we consult History, whether Antient or Modern, we shall undoubtedly there find, that Idleness has, in all Ages, been the Nurse and Parent of Voluptuousness and Effeminacy, which gradually encreasing in proportion to a constant diminution of Labour and Industry, finally brought an irreversible Destruction upon such Countries where they gain'd the Ascendant, and did predominate.

Amongst
the Assy-
rians.

Of this, the Monarchy of the *Assyrians* is a pregnant and remarkable Instance, who degenerating from those masculine and great Atchievements (which first gave rise to their Universal Greatness) into a libidinous and intemperate course of Life, became an easy Prey to *Cyrus* the Great.

The Per-
sians.

And thus it hapned to the *Persian Monarchy*, which being over-run with Ease, Luxury and Riot, with soft and effeminate Delights and wanton Pleasures, with all manner of Delicacy and Licentiousness, seem'd to the Great *Alexander* rather like Beasts fitted for the slaughter, than for use and labour, and gave his Warlike *Macedonians* more trouble to disrobe them of that Pageantry and sumptuous Apparel which, like so many Theatrical Grandees, they came vainly adorn'd with to Battel, than they found in obtaining an easy Conquest over those pusillanimous and gaudy *Persians*, who scarce gave any opposition.

Luxury the
Ruin of A-
lexander
the Great.

But then, how quickly do we find the Scene chang'd in this mighty Conqueror, who no sooner began to consult his Pleasures, and to foster up himself in Idleness and immoderate Excess, but this very Man (who had been the Terror of the Universe) becomes a Scorn and Contempt to his own Soldiers? Whilst he pursu'd the *Macedonian* Strictness, and follow'd the Genius of his native Country in a warlike Industry, so long they ador'd him as a God: But when he began to wear the effeminate

minate Habit of the *Persians*, and to accustom himself to their Vices, even his greatest Favorites hardly accounted him a Man; whose Debauchery and Intemperance soon put a Period to the Life of that illustrious Prince, and to the *Macedonian* Empire, which otherwise might have been of a lasting duration and continuance.

The like ill Destiny attended the *Roman* Monarchy, when the *Turks* (who had been constantly inur'd to Hardships and perpetual Toil) found the others a People uneasy with their Plenty, and so burden'd with their Time, that 'twas difficult to find ways enough to spend it.

And 'twas doubtless foreseen by that grand Impostor *Mahomet*, that Idleness and Luxury would, if indulg'd, so gradually enervate that mighty Empire, as soon to bring it to destruction: for the prevention whereof, like a subtle Legislator, he enjoin'd it for a Law, which even their very Emperors were not to be exempted from, namely, to eat no more than the Labour of his Hands could purchase every day. Idleness discourag'd by Mahomet.

'Twould be an infinite Undertaking to enumerate the several Miseries which at this day attend upon those People, who are deny'd the benefit of Arts and Labour. How do the wild *Arabs* live, and associate with their Herds? from whom, besides the erectness of their Stature, no other Mark of Distinction is so visible upon them, as that they are the more careful Beasts in providing for their Companions.

We may see in another Shape the desolate *Americans*, those of them especially who inhabit the *Northern Parts*, where the Men account it a degradation to their Sex, to expose themselves to any Pains for the Food they eat; but believe it to be a Duty incumbent upon the Women, to make Provision for such as they bring into the World. And this brutish Sloth and Stupidity is attended with as signal and extraordinary a Judgment: for notwithstanding that the Country, as to Healthfulness and other Conveniences of humane Life, is inferior to none in *Europe*; and besides that *Polygamy* is allow'd and practis'd amongst them, and that they will no longer retain any Woman whom they find to be barren or unfruitful; yet are they so few and inconsiderable in number, as by a reasonable Computation might be thought not to be the Progeny of one Family in less than an hundred Years. North Americans.

But to come nearer home, we find the *Irish*, by the Account given us in their own Histories written in their Mother Tongue, to have been the most miserable People in the Universe, when the *English* first arriv'd amongst them. And that then, altho they liv'd promiscuously as to the use of Women, yet the Souls of that Kingdom were not so numerous, upon the *English* first reduction of them, as they afterwards were in the Reign of King *James* the First, notwithstanding their frequent and reiterated Rebellions had, by a whole Series of War and Slaughter for some ages, consum'd a vast, or rather incredible multitude of People amongst them. Irish how miserable formerly, and why.

The Reasons which they assign for a Solution of this seeming Paradox, are two.

First, they say, That before the *English* Conquest they liv'd in great Idleness and Sloth, having neither Arts nor any thing of Labour among them; which put them upon a necessity of committing what Rapine and Spoil they could, and continually to rob and prey upon one another: for another Man's Herds being more numerous than his Neighbours, seem'd just grounds to him of making War with him; and so mutually cruel and barbarous they were upon such occasions, that 'tis observ'd in all their Poems (for such they had amongst them) that there is not to be found one of Mirth, nor to this day have they any musical Note or Tune (tho they afford some variety) which is not melancholy and doleful.

The second Reason they give for their being more numerous now than in former Ages is, That the *English* Laws and Government having introduc'd Arts and Labour amongst them, they now, by their own Industry, make provision for their Children, and are early in their Marriages, that so they may be eas'd of their Charge. And tho the maintenance which they now provide for their Children, be still very mean and contemptible, yet however it is such as to preserve Life, which in former Ages they were not able to compass. Nor were they at all solicitous what became of the Fruit of their Lusts, which perhaps was so intermixt, as 'twas difficult to distinguish or claim a Property. And now, notwithstanding they are bounded from these Exorbitances by restraint of *English* Laws and Constitutions, which are found to be a stricter Curb and Obligation upon them than that of

of their Superstitious Devotion, which gives a known Latitude and Indulgence in that and other Sins; yet are they not now utterly free from, but, as 'tis said, rather frequently addicted to the same Vice.

English
Industry in
Ireland,
how bene-
ficial.

Nor has the good Example of the *English* Industry been of that prevalence among such of them, as entitle themselves Gentlemen (who are very numerous in that Kingdom) to assume the most honourable and genteel Employments relating to Trade, tho at the same time they are ready to starve for want of Sustenance, which they had rather beg or steal than labour for.

This has visibly, and to a demonstration, been the ruin of that Kingdom; for that the most useful and best Men amongst them either are forced to Foreign Service, and so necessitated to desert their Country, or are executed for Robberies, Murders, &c. or, which is not the least instrumental to their destruction, perish for want of Conveniency and necessary Provisions: an irregular Life bringing Distempers upon them that shorten their days; for it is a common Observation, That among the many Thousands that live, as they call it, by *coshering*, there is rarely seen an old Man.

Whereas had the *Irish* been industrious, and been educated to Arts and Labour, they had kept out those Numbers of Mechanicks that went from *England* into that Kingdom; and by that means might have been Masters of their own Country, notwithstanding their subjection to *England*; I mean, they might have been Masters in this sense, so as to have had the command of Trade and Business. But Divine Providence saw it not fit to put Opportunity into their hands, as that would have done, whereby to capacitate them to act greater Barbarities by their Numbers: Whereas both now and in the former Rebellion, they have for their own Service preserv'd abundance of Artizans of all sorts, without whom they could not subsist, which otherwise had felt the unsupportable Effects of their bloody and inhuman Cruelties. But having now done with these Excrecencies of *Spain*, from whence they pretend to have originally sprung, let us see how those which they lay claim to for their Ancestors, have throve in their aversion to Industry.

Many Advan-
tages
of Spain
lost by
Sloth.

If we descend to a particular view of the state of that Kingdom in all its Respects and Circumstances, it may reasonably be accounted a Prodigy in Nature: And as by a vulgar Mistake some account a *Defect* in Nature to be a monstrous Production; we may more rationally affirm, That *Spain* hath made it self so by Sloth.

Take it in the conveniency of its Situation, Fertility of Soil, in the Advantages of its rich Mines in the *Indies* (which if rightly manag'd would be so) and it might be reasonably accounted almost an absolute Impossibility, to be reduc'd to that extreme Poverty and Scarcity of Men wherein it now stands.

I know the Causes assign'd are the banishing the *Moors*, and their Numbers buried in the *West-Indies*; but it is plain that that is not the sole occasion of the afore-said publick Inconvenience: for were Arts and Employments encourag'd in their Country, as one Set went out at the Southern Door, another would come in at the Northern, and *Europe* would supply their Loss in *America*.

It were easy to shew, how with their own Wool, and such of coarser sorts their Neighbours abound with, they might with their own Manufactories furnish their *West-Indies*, by which means their Bullion would be their own, which now they are no better than Christian Slaves to provide for *Europe*.

Manufac-
tories not
follow'd in
Spain.

Besides, if they had Manufactories, they would fill their Country with People, and not put them upon a Consult, as it happen'd in the Year 1649, Whether the Court should not remove for the *Indies*, not having People to keep both.

Add to this, That the want of Employment in *Spain*, occasions those frequent Acts of Violence which are committed in that Kingdom: for tho 'tis so thinly peopled in some Parts, that there are scarce Men enough to entitle it to the Name of a Country inhabited; yet are there great numbers of *Bandittoes* to ravage upon the few that are there.

Thus we see the dismal Effects of Idleness in *Spain*, which has been of that mischievous and almost fatal Consequence, as to bring that Kingdom upon the very brink of Ruin; which had before this been devour'd by the *French*, had not their other large and industrious Dominions preserv'd them.

Having thus taken a succinct and transient view of the ill Estate of those Kingdoms and People which are destitute of Arts and Labour, let us in the second place, according to our former Method, particularize some Instances, setting forth how

Men

Men are oblig'd to Employments in some Kingdoms, and the good Effects which result from that Engagement.

In pursuance whereof I shall begin with *Germany*, where we shall find a People inferior to none in their just veneration to Antiquity, and due estimate of Noble Blood, that is truly deriv'd from virtuous and honourable Progenitors, which they set so high a value upon, as that even to excess they despise mixing with the *Plebeians*; and yet among these great Nobility, the younger of whose Families are employ'd in their Armies, rarely is there found one of them without a Manual Art; by which, if reduc'd to extremity, he may earn his Bread, rather than live upon the Charity and Benevolence of others, a fardiness of Temper which they bear an utter Abhorrence and Detestation to, having too much of that *Roman Spirit*, which had rather lose a Life than hold it at the Courtesy of another.

Industry among the Germans

And this recalls into my Memory a Story, which, for its pertinent congruity to the present Discourse, may not be improper to relate: There was about the Year 1615. a Nobleman in *Germany*, whose Daughter was courted by another Lord, who was a very young Man. When he had made such progress in this Affair as is usual by Friends, the old Lord desir'd to speak with him, and after some conference together, asked the young Nobleman, How he intended, if he should marry his Daughter, to maintain her? He reply'd, Equal to her Quality. To which the Father return'd, That was no Answer to his Question; he desir'd to know what he had to maintain her with? To that the young Lord reply'd, He hop'd that was no Question, for that his Inheritance was as publick as his Name. The old Lord own'd his Possessions to be great, but ask'd him if he had nothing that was securer than Land. The Question was strange, but ended in this, That the Father of the young Lady gave his positive Resolve, never to marry his Daughter, tho his Heir, and would have two such great Estates, but to a Man that had a manual Trade, by which he might live if drove from his own Country. This young Lord was master of none at present, but rather than lose his Mistress, he desir'd only a Year's time, in which he promis'd to acquire one: In order whereunto he got a Basket-maker, the most ingenious he could find, and in six Months became Master of his Trade, with greater improvement than his Teacher: and as a proof of his Ingenuity and great Proficiency in so small a time, he brought to his Mistress a piece of his Workmanship, being a white Twig-basket; which for many Years after became a general Fashion among the Ladies by the name of *Dressing-baskets*, brought hither to *England* from *Germany* and *Holland*.

A remarkable Story of a Nobleman's Daughter in Germany.

But to compleat the surprizingness of this Relation, it happen'd some Years after this Nobleman's Marriage, that he and his Father-in-law sharing the Misfortunes of the *Palatinate*, were drove naked out of their Estates; and in *Holland* for some Years did this young Lord maintain both his Father-in-law and his own Family, by making Baskets of white Twigs, to such an unparallel'd Excellency as none could attain: And 'tis from him that they derive those Curiosities that are still made in *Holland* of Twigwork.

This is a Digression from the Matter in hand, but the more insisted upon, because I deem it not altogether improper to my Design of shewing, how fond and ambitious Men are in Foreign Countries, of learning Arts and Mechanical Employments, whereby to avoid Idleness, that common Pest to the Publick Good, and consequently to every private and individual Interest, as involved in the other.

From this Prospect of the Nobility and Gentry, we will now descend to a lower view of the meaner and inferior Sort among them, whose Industry is so remarkably great, that even Children of four Years old will earn their Bread: Add to this, that they are kept out of harms-way by the same Diversion, tho more profitable, whereby we keep our Children in this Kingdom; and that is by making wooden Toys, painted Boxes, Pipes, &c. for our Children to play with; there they employ all the Children of a Town, from three Years to eight, in those easy Matters of shaving a little Stick of Fir, or daubing a little Paint upon a Stick or Box, things of that easy nature, as may be done by a Child that can speak, and but hold a Knife or other small Instrument in its hand.

Idleness much discourag'd

Children employ'd

When they advance more in Years, 'tis then usual to pitch upon a Trade; and generally they apply themselves to that of their Fathers, whereby you shall oftentimes find 'em to derive their Pedigree and their uninterrupted Succession in the same Trade or Employment, in a continued Line from Father to Son for some hundreds of Years. And this Genealogy as well in Occupation as Descent, is insisted upon

upon by them with as much Pride and Ostentation as can be shewn by their Nobility, in their continu'd Tracings and Derivations of themselves from a numerous and antient Stock of their famous and heroical Progenitors.

Learn
Trades
early.

'Tis not their Practice, as with us in this Kingdom, to bind an Apprentice for seven Years; three or four is their common Standard: and the reason is, because they are educated from their Cradle to something of Employment, which renders them the more apt and docible, and consequently the more capable of attaining to a Ripeness and quicker Proficiency in Business. Whereas our Youth, here in *England*, being bred to nothing before they come to be Apprentices, make a very slow Progress, and require much longer time wherein to reach the Perfection of accomplish'd Artists.

And such as are of Families not educated in Mechanical Employments, those they make use of, either in Affairs Military, or else in Studies of genteeler and finer Arts than either of these; by which admirable Decorum, so regularly observ'd, in proportioning every Order and Degree of Men among them to their suitable and respective Vocations and Capacities, it thence happens, that in whole Provinces there is not a Man that eats the Bread of Idleness, or of other Mens Labour and Industry.

In the
Hanse-
towns.

Nay, in the *Hanse-towns* they still shew a greater Care and Sollicitude in these Matters, not judging it expedient to admit of any more than an useful and competent number for the City, of any who profess the Liberal Sciences; but, on the contrary, oblige all their Natives and Inhabitants either to Merchandize, Navigation, or to manual Arts and Manufactories; insomuch that that famous Mart of *Hamburg* (to which City belong more Ships of Burden and Value, for all manner of Trade and Commerce, than to any City of *Europe*, *London* and *Amsterdam* excepted) does admit of one Physician, of two Civilians for the Law, and but one Divine, besides those who are constantly employ'd in the City: Yet on the contrary hand, offer great Encouragement to Men of all Nations, to inhabit among them, that are for Mechanick Labour and Sea-Service, as accounting him but a necessary Evil, whose Industry and Parts lie only in the Brain, or bound their Situation in the Head; and one of such they deem sufficient for thousands, who work with their Hands.

Few Beg-
gars in
Hamb-
burgh.

By reason of which orderly Management of Affairs, and the Provision made to promote Labour, and to discourage Idleness and all useless and unactive Men, it is very remarkable, That in this City no Man ever saw a Beggar: yet many aged and unfortunate Poor there are, occasion'd by Losses and cross Accidents at Sea; but then so Christian and Charitable a Commiseration of their Condition is entertain'd by the Government, that in all Bargains and Contracts in that City, something is still preserv'd as a voluntary Gift for the Poor, or if I may so say, as a free-will Offering to God for their Supply; and this repositied in the Hands of the Minister of the Parish, who has Church-wardens joyn'd to him, in order to a right disposal of this Mony for the Poor.

A Ship puts not forth to Sea, but with an Iron Box for the use of the Poor, of which the Keeper has no Key, but is kept by the Minister and Church-wardens, and upon the Return of his Voyage, when he receives the Holy Sacrament of the Lord's Supper, he brings to the Altar his Box, which he useth all care to replenish and supply; and there is not a Seaman in his Ship but puts something into it, whenever he receives his Wages.

How Indus-
try is en-
courag'd a-
mongst the
Dutch.

To what has been already premis'd, 'twould be needless to name or instance to you the Example of the United Provinces, which are so contiguous to our Island, as well as justly fam'd throughout the whole Universe for their eminent and industrious Improvements, and for such superadditions of Art to Nature, or rather of such as Nature seem'd not capable of; and which have been of more use to them than all their Martial Strength, for the Defence of their Country against their Enemies, and have advanc'd them from the poor distressed, to the honorable Title of the High and Mighty Estates of *Holland*: And that formerly useless, and now little Spot of Ground, become the richest in *Europe*, is a most evident Demonstration of the miraculous Power of Industry, and of those prodigious Acquirements which human Nature is capable of attaining to, by a laborious and indefatigable Pursuit; which as it has created a general Esteem for these States throughout the whole World, so has reflected no small Disgrace upon their Neighbours, whilst enjoying fertile and profitable Countries, both in their Situation and other abundant National Advantages and Emoluments, far superior to this, they suffer

suffer their Lands to lie wast and uncultivated, and neglect all the Opportunities both of Art and Nature, whereby to enrich and improve them : when on the contrary, these are forc'd to change the very Elements, having more living upon the Water than they have upon the Land ; which is so plentifully stock'd, that it admits of no more.

If from this little Spot of Ground we pass farther into the Country, it will be worth our while to consider, what Care and Diligence is us'd by the Government to oblige the Rural unto Works, for the publick Good.

In *Flanders* they admit not a young Man to enter into the State of Mariage, without first obtaining a Certificate from the Magistrate of the Place of his Residence and Abode, setting forth his having planted such a number of Trees, &c. I might demonstrate the Truth of this Point to you, from a great Variety of other Instances, both of Countries and Persons, which would be agreeable and pertinent enough to my present Design ; but aiming at Brevity, this may suffice to shew the great Care and laudable Endeavours of Foreign Governments to oblige their People to Labor and Industry, and to evince this Nation of that wonderful Success it has met with, for the Growth and Improvement of their respective Inhabitants in Riches, and the like prosperous Contingences of this Life.

I come now, in the third Place, to demonstrate with what Possibility and good Success, the same Industry might be effected, and consequently become practicable in these Kingdoms, which is us'd in others, and how the want of it leads to the same Fate, which became destructive of those Monarchies and Countries already mention'd.

We are not ignorant, that Christianity in general, and more especially as profess'd in its antient Purity in this Nation, does indispensably oblige all its Votaries and Adherents to a sober and laborious course of Life. We know, by the Parable of the Talents in the Gospel, that we must encrease both our Spiritual and Temporal Enjoyments ; that both a Stock of Grace and of worldly Comforts and Accommodations are to be improv'd by our Labour and Industry, tho it's true our Care and Sollicitude for the last must be subordinate to the first : yet however, as we are but Stewards to what we enjoy, we must so manage, as to be capable of giving a good Account ; and as we are but Servants, entrusted with an industrious laying out of these Advantages of human Life, we must so husband and improve them too, as to be able to return them with an Increase (the Effects of our Labour and Vigilance) when our Grand Master shall require them at our hands. And indeed the Institution of the whole Creation is in all its parts so fitly accommodated to, and so naturally capable of Labour and Industry, that tho Man in his first Estate was exempted from, yet now he must bear a considerable share in this general Pains and Toil of the World. The very inanimate Creatures, the Sun, Moon and Stars, have in their kinds their proper and distinct Offices of Labour, to which they were first design'd by Sovereign Providence, and which they duly and regularly perform. The Trees and Plants, and things of a Vegetative nature, discharge their several Functions, in concurrence with this Grand Design. What Slavery and Toil is undergone by Sensitive Creatures, how they labour and are harass'd with continual Pains, needs not be illustrated. In the order of the Creation, the next Degree above these are Men, which by reason of their Superior Faculties incommunicable to Sensitive Beings, we call rational Creatures. But to pass by them at present, if we look up to a higher Species or Rank of Creatures, the Angelical Beings, we shall find that those Blessed Spirits are continually busied and employ'd either in repeated Hallelujahs and Eucharistical Praises ; or else are sent upon frequent Embassies and Negotiations into this lower World ; or admitting the Speculation of their Tutelary Function, are many of them oblig'd to a constant Watchfulness, and an immediate Attendance upon Man, whereby to oppose and repel the Temptations of Satan and his Apostate Legions, by instilling into their Hearts a Love and Veneration of the Divine Nature, and by striking them with an awful Dread of, and a most submissive Regard to his Sovereign and Imperial Majesty, and consequently by impressing deep Characters of Religion, and the Fear of God upon their Souls. It remains then, that of that great Variety of Creatures which God made, all, in their distinct Conditions and Capacities, are naturally subjected to Labour and Industry : shall then Man be excepted, who was made but a little lower than the Angels, and so, in a superior degree to all other created Beings, endow'd with those excellent Faculties of Reason and Judgment, of which brute and sensitive Creatures do not participate, and consequently are not so qualify'd for a

right management of Labour as Men are? For tho many of them exceed Man in Strength, whereby they become in the greatest Toil more indefatigable than they; yet for want of Judgment, and the discursive or rational Faculty, they cannot direct their Pains to proper and advantageous Ends and Uses; but in this are order'd and govern'd by Man, as they are the Instruments which God and Nature has appointed to be useful and subservient to him, in the promoting of Labour and Industry. Seeing then that Man is thus eminently qualify'd beyond all the other Beings of this lower Orb for great and laborious Improvements; it follows necessarily, that he must either act agreeably to these peculiar Excellences of human Nature, or else sink himself below the Condition of Brutes and the most inferior Beings, who (as is already prov'd) do by natural Instinct carry a direct Correspondence to their first Institution in this respect. But to pass from a religious to a natural Consideration: If we consider that Nature aims at an exact Symmetry and Proportion in all things, and does as much pursue a constant Order and Harmony in all her Operations, as she carefully declines Irregularity and Confusion; we must then needs acknowledg, That that which we look upon as a Deformity or superfluous Excrescence in a Body Natural, must in a parallel Proportion be justly reckon'd to be so in a Body Politick: And if it be so, then tho we must confess the Fingers to be the Instruments of the Hand, yet one more than of Use is vulgarly stil'd a monstrous Production (tho more properly a Deviation of Nature from her Intention or Order) Why then may it not be with a parity of Reason so thought of an useless Man, in a State or Commonwealth? such a one being not only a Deformity, but a Nuisance unto it, as well as a Blemish to, or an Excrescence in any Government. 'Tis that which takes away the Life and Sap from the Root of the State, but neither imparts any to it, nor produceth any Fruit, and therefore must either be so cultivated and disciplin'd by good Laws and Government, so as to make it Fertile, or else deserves no better Usage than that of being cut down, for why cumbreth it the Ground?

But I must beg pardon for this tedious Harangue upon these two Arguments drawn from Religion and Nature, obliging Men to Labour and Industry; and proceed to shew, How what has been premis'd may be calculated to the Meridian of, and applicable enough to this Nation: For the Proof whereof, That *England* exceeds any part of *Europe* for the Advantage of its Situation and its Utensils of Trade and Commerce, is a Matter of so unquestionable a nature as none will dispute; neither that they can want Vent for their Labours, since it is a Spot of Ground which so many of other Countries must necessarily pass by: All the Mischief that attends it is its Ease and Plenty, and that the Provision for a Day requires not the Labour of half an hour in many Employments.

Now if it be a Matter of so great facility to purchase a Livelihood, it seems to be a Crime of an higher aggravation, to live upon the Labour of others.

The Plea of idle Persons. But the common Plea of Idlers is, That they would work if any would employ them; which seems to charge the Government with Omission, in not providing Employments for all Ages and Sexes, as to which the Laws already made (we see) do not, tho in some parts of the Kingdom, where the Woollen Manufactory is considerable, the common sort are so taken care of, that they are no Trouble or Charge to the Parish. But then pass to other Parts of the Kingdom, and you shall find Numbers a Burden both to themselves and others.

Ways to employ idle Persons. It is a Matter then that deserves our Consideration, What Vocations and Employments every part of the Kingdom is most fit and proper for; and where there is not Employment in Manufactories, if it be by the Sea, to employ them in Fishing or Navigation; or if they take not to either of these, and their own Country affords them not other Employments, that then they should be remov'd to other parts of the Kingdom, by which course they would not remain idle at Home. And why may not this be as practicable at large, and in the whole, as at this day it is in part in some places of the Kingdom? as for instance, in the Manufactory part of *Norfolk*, where the Church-wardens and Overseers of the Poor visit their Neighbours Houses, and where they find any Children above ten years of Age, not kept to some Trade or Employment, they take them from their Parents, and put them to some.

Now, if this be done to the Poor, why may it not be so to the Rich? I know it will be answer'd, That the Reason is not the same; for, say they, One is to prevent a charge to the Parish, that of the Poor, which cannot be fear'd of the other, the Rich. But there have been some Instances of that too; besides that Gentlemens Children are often not only a charge, but also Enemies to the Kingdom: And, why should

should not this publick Inconvenience be provided against, of which we have but too frequent and lamentable Examples at the Bar and the Gallows? How many hundreds in the Year are taken off by the hands of Justice, that might have been useful Members in the Kingdom, if they had been taken care of, and been thus educated in their Youth? It is a strange Piece of Gentility, that looks upon it as an Invasion upon its Privileges, if put to a Trade, and will rather submit to a Halter than Indentures.

Now, where an evil Custom is become hereditary and predominant, a Law is needful to cut off the Entail.

The Glory of a Kingdom is Men and Mony; *England* hath, in a competent proportion, the Blessing of both, but might be improv'd to more than double. For at the most moderate Computation, it is not half peopl'd; and since there is so much wanting in number, the best way to supply that deficiency, is by Industry, which would not only encrease the Treasure of the Kingdom, but that which is the more valuable Treasure, Men. 'Tis a Matter as well of Experience as Lamentation, That want of Employments puts Men upon loose and unwarrantable Actions: Idleness must be fed, and Luxury indulg'd, and Pride maintain'd, and Gentility supported; and when Profuseness has eaten up the hereditary Substance, especially where there was but little at first, as most commonly it is in younger Brothers, then the Padding Trade, and the genteel way of taking a Purse, is generally the Prologue to the succeeding Tragedy, whose Scenes are as dismal as they are common. Now, if such idle Extravagants as these cannot maintain themselves singly, without running into these violent courses which end in their Destruction, they can much less provide for a Family.

And therefore, if a Statute were made, that no Child under three hundred pounds *per annum*, should be admitted longer at School, than to the fifteenth year of his Age, but then, if his Parents or Guardian did not, he should be put to some Trade or Employment; there would be less work for the Executioner, and more for the Cook; and probable it is, that in twenty years there would be a greater number of People than in fifty before.

'Tis not possible, in so narrow a Compass as this Tract, to set down the Methods that must be us'd in such an Alteration as this would produce. I shall only answer two popular Objections, which seem to lie opposite to a general Reformation in that Latitude wherein I have propos'd it. The first is this.

That if none under three hundred Pounds *per annum*, were admitted to apply themselves to Learning, and to a study of the Liberal Sciences; this would be lookt upon as an Act of great Severity, and a very unreasonable Limitation of such whose natural *Genius* and Capacity might entitle them to a very great proficiency in Learning, and consequently to very eminent Stations both in Church and State, and yet come not under any such qualify'd degree of Fortune or yearly Substance. This, say some, would be a great Obstruction and Discouragement to Learning, which it is as well the Ornament as Interest of every Nation to promote, and which we want not Instances of some great Patrons in this kind, who were Men of mean Birth, and of an inferiour Fortune in the World. To which I answer, that the Limitation insisted upon, in the method propos'd, would occasion no want or decay of Learning in any, much less in all sorts, where there are so many thousands that will come under the Qualification of having three hundred pounds *per annum*, or Mony to purchase it.

Again, That it would be an Act of Severity and an unreasonable Limitation upon such who could not come up to that Qualification, and for that reason be excluded from Study, notwithstanding that their Ingenuity seem'd to animate them with hopes of attaining to no contemptible degree in it.

To this it may be reply'd, That if there appears much more Prejudice to the Kingdom in general, by admitting of such, than the Loss will be to every particular Person in this Case; then, I presume, a private prejudice is much more reasonable than a publick; and some particular Inconveniences are to be born and conniv'd at, when the removal of them is incompatible with the common Good and general Interest of the State:

That the Sons of divers very ordinary Persons have arriv'd to an eminent height of Learning and Parts, and have become very great Scholars in all kinds of Literature, is a truth too undeniable to be disputed: and indeed, by how much they have by their Studies advanc'd themselves from a low and despicable Estate, to an high Degree, and to an eminent Figure in the World; by so much are they justly to be accounted

accounted the more honourable, and do accordingly deserve our greatest respect: for Honour (as the Moralists speak) is founded upon Virtue, and 'tis that alone which merits Honour. And indeed I must needs account those Men to be much the more honourable, and consequently to merit a greater share in our Esteem, who raise themselves by their own acquisitions of Virtue and Industry, from a *Plebeian* or vulgar State, to some eminent Post or Station, than those who are deriv'd from Heroical Ancestors in a long and uninterrupted Line of Succession, but basely degenerate from those Actions and virtuous Atchievements which at first ennobled the Blood of their Predecessors.

Some rare
Men a-
mongst the
Vulgar.

Mischiefs
of Idle
Lives.

University
Education
oftentimes
hurtful.

These last seem as great a Reproach and Infamy, as the others are a Credit, both to themselves and their Progenitors. But then we must consider, that tho there may and have been some such rare Men among the Vulgar, yet there are hundreds for one which every Year produces of the same Fund, who come abroad into the World like *Pharaoh's* Frogs, that only croak and make a noise in the Country, and not finding Preferment, either for want of Interest or Abilities, or both, become, instead of an Ornament or Help, a Disgrace and a Nuisance to the Kingdom; nay, and not seldom create publick Disturbances, and oftentimes make dangerous Concussions both in Church and State. For, who are generally the Authors of Schisms and Factions in the Church?? Who of Mutinies and Seditions in the State, but such Male-contents, whose Ignorance, or other contemptible Circumstances, debar them from any considerable share in either? And then what their Parts or virtuous Endowments cannot compass, their Malice and Inveteracy do commonly endeavour to destroy. Were it not for this, we should not see so many heterodox Professors of Divinity, so many Enthusiasms, Errors and Heresies in Religion; not so many Mountebanks, Quacks and Empericks in Physick; not so many Pettifoggers and ignorant Barreters in the Law. And to compleat these Legions, Who are the Men they call *Sharppers*, but generally such whose ignorant Parents Ambition it was to make 'em Gentlemen by educating them Beggars? for perhaps not one of ten is able to do more than to send his Son to the University, and there he must shift for himself, and oftentimes for want of a Competency to subsist upon, is forc'd to come down into the Country by the next Carrier, and spend the greatest part of his time there in Solitude and want of Conversation: and unless he can become a Philosopher by Inspiration, or by a sympathetick Influence be instructed in all the Learning of the University, at a hundred miles distance from it, 'tis a hundred to one but at the seven Years end he is become Retrograde, and has scarce so good a stock of Learning as when he commenc'd a Freshman. And is not this Man like to make a very eminent Doctor in the Church, or an able or accomplish'd Politician in the State?

But suppose that one of these poor Men can maintain his Son in the University till he arrives to the degree of a Batchelor, or perhaps a Master of Arts; yet upon his leaving the College, he comes abroad in necessity; which oftentimes puts him upon evil and preposterous courses, whereby to provide for himself. Now were it not infinitely more conducive to the Good of the State, to want one Man of Learning from the Mechanicks, suppose him never so excellent, than to have a hundred that prove Vermin, and are destructive, instead of one, or say a few more that may become active and serviceable Members to the Commonwealth?

Besides, there is scope enough for those of the Vulgar that are of a pregnant ingenuity, to imploy it in the finest Arts and most curious sort of Industry and Labour, wherein they may not only arrive to great eminency, but become more profitable Instruments to the good of the Kingdom, than they can hope to be by their Learning; of which we have no present prospect of any want, but may be thought to stand upon equal, if not superior Terms with any part of the Universe.

But then 'tis more than manifest, That we are so far from disputing the Priority above, that we come infinitely short of other Countries in our Mechanicks and finer Arts, which seem to be a proper Province for the middle People of this Kingdom to be engag'd in, leaving the study of human Literature to those who are able to maintain themselves, if by an adverse Genius, or other Obstacles and Contingences they should happen to miscarry in it.

Objct.

The second Objection will be, That if we educate all Gentlemens Sons unto Trades, it will hinder the Nation from Martial Improvements, and so reduce it to a necessity of employing Foreigners in the greatest Places of Trust in the Army.

In answer to which we must consider, that such of the younger Brothers as are addicted to War, may be early instated in that Employment, and so may be reasonably accounted as if actually conversant in Trades; and such as shall affect the Seas, may be bred up in Navigation; of which we have Examples near home, particularly in the *French King*, who breeds up Gentlemen and others in this manner at his own Charge. Answ.

But it may perhaps, tho with no semblance of Reason, be urg'd, That loose and indigent Youth are in some respects needful in the Commonwealth for private Soldiers, who would be wanting if all Men were bred to Trades. But daily Experience shews, That numbers who are put out to Trades prove idle and extravagant; and of such there is a greater proportion in the Kingdom than would compose an Army.

So that if this Method were pursu'd, of putting all the Youth of the Nation upon some Employment or other, this signal Advantage would accrue from it: That whereas now Armys are supply'd out of the Vagrants and Refuse of the Kingdom, they would then be made up of a better sort of Men, tho yet so extravagant as to be impatient under sober Confinement and daily Labour. Advantage of putting the Youth to Trade.

By what we have hitherto discours'd and insisted upon it is sufficiently apparent, That the use of Trades and of Mechanick Arts is more commodious for the State, than the educating the poorer sort in Learning and the Sciences: And if this be plain, it cannot then be deny'd, that there is more reason to bring up those that are necessitous in Mechanical or other Occupations.

The next thing to be consider'd, are the great Advantages that will arise to the Kingdom in general, by keeping all Hands at work; and these are numerous, the principal of which are reducible to the following Heads.

First, It will in some proportion be an occasion of bringing in new Colonies, and of encreasing the number of our own. We are now supply'd from Foreign Parts with divers Commodities, which, if the Kingdom were replenish'd with Artizans, they would furnish us with here at home. For, pray what is it makes the *United Provinces* so full of Commodities of their own Arts and Manufactories, which they transport to all Parts of the World, but that every one there is bred to some Trade, and so forc'd to rack their Inventions to obtain a Livelyhood? And, notwithstanding that they abound with so many People as would with us be accounted a Burden, yet there is still Encouragement given out of the Publick Stock for any Foreigners or Fugitives that are Artizans to live among them. Of this we have Instances recent among our selves, of the many Hundreds that abandon'd this Kingdom, upon the Restauration of King *Charles the Second*, and had Houses free to settle in.

Now as this employing of all sorts of People would increase the Strength of the Kingdom by its Numbers; so would it also as well the Riches and Stock of it, by its Treasure (every Bee adds some Honey to the Hive) and at the same time would ease every individual Man from a great part of the Taxes which now he lies under.

It would also disburden the Kingdom from Beggars, that by their Multitudes are become the Shame and Plague of the Nation, whose Children are begot, and so bred up in the Trade of Begging, as if they were embodied into a Society, and establish'd by a Law.

Not that I design to discourage here that admirable Virtue of Alms-giving, which is certainly a most Christian and Divine Grace, when duly plac'd, and regularly and prudently dispensed, and which the Law both of God and Nature require from us; and which is not only the best way to cause God to shower down upon us his Divine Favours in an immense affluence of temporal Blessings, but also to lay up heavenly Treasures and everlasting Provisions for us in the immortally Divine State in the other World. It remains then both as our Duty and Interest, that we act agreeably to the Infallible Author's Direction in this Case, *viz. Thou shalt take care for thy Poor*; but then the Question is, how and in what manner this ought to be perform'd? for the same infallible Author also tells us, That there was no Beggar in *Israel*. Alms-giving not discourag'd.

And indeed tho Charity be as well the Duty as Ornament of a Christian, as has been already touch'd upon, supposing that it be dispensed in a fit and regular manner; yet on the other hand, it is a barbarous Cruelty, becoming none but the Sons of it, the Emisaries of *Rome*, to distribute Charity to common Beggars.

It is rather Christian Compassion to prevent it; and indeed it is no small matter of wonder, that Good men should be so often faulty in this respect, and that our Divines (with reverence to their Order I speak it) should so much preach up Charity in general, and yet seem many of them to omit the weightiest part of it, namely, the Provision for the Souls of those poor Creatures that beg for Bread to support this Life; but neither themselves nor others take thought or are solicitous for the Life to come. If such, whose sacred Function does immediately oblige them to the *Cure of Souls*, would (I say not all, but at least some of them) more seriously weigh and consider this Point, many of our Pulpits would not be so still and unconcern'd upon this Subject as they appear to be. By our preposterous distributing of Charity, we seem to invert that of the Apostle, *Not many mighty, &c. but the poor of this world are chosen*. In this Kingdom it is quite otherwise, for we take only the same care of them that we do of Brutes to prevent their starving, but alas have too small a regard of what becomes of their Souls.

Now there can be no effectual way of doing this, but by laying a good Foundation, in taking up the younger sort and putting them to Trades; and as for the elder and decrepit, that are capable of no Employment, such to be maintain'd by the Parish, but so as to have no liberty for Begging: and the Effects of this will be, that there will hardly be any aged or decrepit Poor, most of whom are made so, either by Fraud and Design of Vagrants themselves, or by being the Children of such, and so for want of Care or Attendance are become deform'd or maim'd.

Trade prevents Famine.

It is also remarkable, that Mechanicks prevent Famine in a Nation. This at first sight will appear a Paradox, that the multiplying of Mouths that eat Corn, whose hands sow none, should yet increase Food; which Matter of Fact demonstrates the Truth of notwithstanding: for who ever saw a Famine in *Holland*? On the contrary, they who sow none, do yet supply other parts of the World with Corn, and this they effect by means of their Arts and Trade, which drives the more profitable Plough of the two, that of the Sea.

It is observ'd, that no Places are more frequently afflicted with Famine, than those Countries which are employ'd in Tillage; and the reason of this Scarcity is very plain, for if their Corn fail, they have no other way whereby to supply their Want: but it is otherwise with those who depend upon Arts and Trade, for the extent of their Harvest reaches the utmost Confines of the Christian, if not known World; and if one Place fails, they can easily have recourse to another.

Long Life a Blessing got by Labour and Art.

Again, Labour and Arts are a means to purchase to us one of the greatest Blessings of this World, Length of Days; for it both prolongs Life and prevents untimely Death. And for the proof of the first of these it is observ'd, as a Matter of common Experience, That there are more old Men who from their Infancy have been employ'd in Labour and Trades, than there are of Gentlemen; which is agreeable to what the Physicians affirm with a great deal of Reason and Truth, That the Work of the Body is not so destructive of, nor decays the Vitals so much as the Study and Labour of the Head, or the Intemperance of the Appetite, which Men who consult their Ease and sensual Complacences, are too apt to indulge.

And in the second place, That they prevent untimely Death, is a Truth so undeniable as needs no Arguments to confirm it, every day's Experience sufficiently evincing it unto us, that when Youth are educated in the way and course of Business, their Heads are employ'd as well as their Hands; which leaves no room for vicious Plots and Designs, nor for pinching Necessity to enforce their breaking thro the Laws of God and Man, to make provision for those Lusts and Exorbitances that at last bring them to the Gibbet.

Ill Effects of Idleness as to Religion.

I now come to the last part of this Discourse, to shew the Mischiefs that attend, and 'tis reasonably to be feared, will fall upon this Kingdom for the want of a good and regular Discipline in the Manners and Lives of the People.

I will begin with those ill Effects and Consequences which Idleness produces in Religion. It is the Care of most Parents to educate their Children in some Religion or other, of whatever Shape or distinct Profession it be intitled to; for he may be reasonably accounted a Monster in Nature, and a common Enemy to Humanity, that professes the Christian Religion himself, and could patiently suffer his Child to be bred up in *Mahometism*: Yet perhaps we want not thousands who do worse than this; it being easier to convert and proselyte a Man to Christianity that believes a Deity, but is zealous in his erroneous Apprehensions of his Divine Nature and Worship, than to persuade one to embrace the Faith, who denies that prime and receiv'd

receiv'd Principle of the Existence of a God, and consequently disowns all the subordinate Tenets and Articles of Religion. Now alas too many there are of this kind, whose Parents bring them up without Trades, and consequently having no Employment, will naturally have recourse to those which are vicious and unlawful, which the evil Spirit that acts them will be sure not to be deficient in supplying them with an abundant variety of, as being conscious of the hazard he incurs of losing them, if he affords them leisure for serious Thoughts and Reflections.

And as Men bred up to no Trade or Employment have rarely any Religion, so neither are they demeanable to the Laws of the Land, to which Religion is the most lasting and surest Tie or Obligation; and subordinately to that Business and Employment have the next prevailing Force with them: for these naturally beget a Property which requires Protection and Security by the Law; whereas he that hath nothing to lose, nor endeavours to acquire any thing but by a manifest Violation and Infringement of the Laws, his sinister Interests are such as strongly incline him to destroy them.

Hence it is that we frequently find, that Men of no Business are and have been the publick Disturbers and Incendiaries of a Nation; no Plots or Rebellions are brought upon the Stage, but are manag'd and projected by this sort of Men, who are the most considerable Party among the Actors, who take no greater Pleasure in any thing than fishing in troubled Waters; by which means they not only become destructive to themselves, but allure and entice others, inveigling and drawing in those (that are in a way of Trade and Business) to their mischievous and evil Practices, to the irreversible destruction of many Families.

Incendiaries Men of no Business.

And as they thus ruin divers in their Estates, so also in their Lives. It is a Subject of great Grief and Lamentation, to consider what Numbers are every Year brought to violent Deaths by the Hand of the Executioner; and yet more numerous they are by much, who destroy themselves by Debauchery and Intemperance: so that it may be said by a moderate Computation, that as the Sword of Justice hath slain its thousands, so a complication of Diseases contracted by idle and loose Men without Employments, have slain their ten thousands.

Idleness attended with a bad Life.

And to sum up all, these are the Men that in the present Juncture of Affairs are the Plague and Pest of the Nation, that as Locusts swarm in all Places, echoing out the most extravagant Panegyrics upon their Defender the abdicated King; they go by the Name of *Sharps* in London, and are so formidable a Body, that none dares oppose their assaulting any that assume to contradict them, in magnifying their Protector the late King: for of such indeed are his Party and Adherents compos'd, whose Actions carry an agreeable resemblance as well to the present Principles as known Practices of the Church of Rome; there being not any Profession in the World, that allows of or connives at and indulges Idleness in an equal degree to the Papists.

For as Ignorance is the Mother of their Devotion, so is Idleness the Nurse of it, as is observable in their rude and implicit Votaries in Ireland: in which Kingdom 'tis usual with them, at Mass, to make publick Collections for a Thief or Idler; but if a constant labouring Man, that spent not his Time with them in Drinking and Idleness, be by Misfortune reduced to Poverty, they will give nothing to such a Man, but say, he was a Churl, that never was Good, but was always making for himself.

And it is to be remark'd, that there were never so many Stone-Weavers (as the Dutch call idle Men) seen in England as in the few years of the late King James, such profligate Wretches being the aptest Instruments for the Subversion of the establish'd Laws and Religion of the Nation, and the introduction of Popery.

It belongs not to me to assume the prescribing of Laws and Methods, whereby to redress these publick Evils and Inconveniences too predominant in the State, and to prevent greater, that seem to be imminent over, and dangerously to threaten this Kingdom, by these infinite swarms of Wasps, which act the part of sluggish Drones, in living upon the Labour of others, but are too industrious to do mischief, and too ready to embrace every occasion, whereby to put the whole Kingdom into a Flame and general Combustion.

However, there seems to be a possibility, at least, to lessen this growing Evil, and yet not by the usual way of driving these *Malecontents* and bad Members out of the Nation; a Remedy worse than the Disease, which in another Discourse may be proved. But the more profitable way seems to take them all up, and such of them as are young, to dispose of to such Trades and Employments as are most futable to

Idle Men
are Shar-
pers, and
live by
Cheating.

to their natural *Genius* and Capacity, and to supply the want of Money usually given with Apprentices, to enlarge the time of their Service.

For the other sorts, which are either Gentlemens Children, or else such as pretend to be so, because educated to no Employments, and are become Sharpers, and live by Cheating and Gaming.

As to the first of these, there seems to be a commiserating and a compassionate sense of their Quality and Condition due from the Government; and equally to their Birth, they should be prefer'd in Civil and Military Employments, which perhaps they would have long since taken up, but had not Money to purchase: a Sin now become bare-fac'd, and ought to be universally exploded by all Mankind; for, 'tis the Pestilence that walks in darkness, and ruins the Kingdom by a double Mischief. First, it obstructs the Preferment of Gentlemen, and of Persons of worth, and in consequence to that misfortune, puts them upon leud and extravagant courses, whereby to supply their present necessity: And then in the second place, fills up Vacancies with such Men, whose Gold, not Parts, entitle them thereunto.

The other set or sort of Men, are the Sharpers, who by the Iniquity of the Times are become a Fraternity almost too great for the Civil Magistrate to manage or correct. I will not presume to determine which is the greater Evil, hanging for Felony, or letting those escape that are justly to be deem'd the greater Offenders; but sure I am, that the Law is wanting to them, and may well be so, these being a Disease newly sprung up in the Kingdom, and therefore as yet there is no Law made or provided, as a proper Antidote against it.

Now, for these Sparks who are become thus rampant amongst us, what Remedy can be prescrib'd more conducive to the Good of the State, than to exchange them for honest Men, that were taken upon their lawful Employments at Sea by the *Turks*?

This, I foresee, will not escape a severe Censure: I must therefore beg leave to offer such Reasons as have induced me to be of this opinion; in the prosecution whereof, I perceive that it will be urg'd, that it is a just Law to hang Felons and Robbers. But would it not, I pray, be a milder Punishment to exchange such Offenders, for honest Men that are in Slavery?

Cheats de-
structive to
Govern-
ment.

Again, These Sharpers, that subsist by Cheating and Gaming, are more destructive to the Commonwealth, and consequently occasion the ruin of more Men in it than Thieves and Robbers can be said to do. Where then lies the difference, but that the Law was made for suppressing Felons, when there was not such a Vermin known as now exceed them? 'Tis plain then, that there remains nothing but a Statute to render them the greater Criminals, for otherwise they are already so in themselves; and then sending them to *Turkey*, would (I presume) in all reason be deem'd an Act of Grace to save them from *Tyburn*, and that upon a double account. First, in regard that it would afford time for Repentance to the one, and deliverance from Slavery to the other, by which means a Soul might be saved, and a Body added to the Kingdom; which, of how contemptible an account soever this may be reckon'd to be, yet is it certain, that the loss of a Man is an Injury to the Commonwealth.

This is no selling of Christians to the *Turks*, as some may at first view be apt to believe; but 'tis the redeeming of a Christian by a dead Man; for so he should be in the Eye of the Law, before he was sent.

This way of proceeding would, doubtless, be a great occasion of Terror and Discouragement to those leud and profligate sort of Men, who are become the Pest, and if uncontrol'd, will be the Bane of the Nation, and by consequence would be a means of preserving many hundreds from the Gallows, and put all Men upon honest Courses and industrious Expedients whereby to compass a livelihood; and to compleat all, to take off the better sort from their extravagances, and to necessitate the ordinary to apply themselves to Handicrafts, the most conducive Method whereby to produce two such desired effects, would be, to take away the Benefit of the Clergy, and in lieu thereof, to enjoin a piece of Mechanick Work, of some Trade or other, to be made by the Offender.

St. P A U L the Tentmaker.

A Discourse shewing how Religion has in all Ages been promoted by the industrious Mechanick.

Printed about the
Year
1690.

The Preface to the Reader.

THE various Constructions, which the ensuing Pamphlet will unavoidably meet with in the World, make it reasonable to prepossess the Reader with a favourable opinion of its design, which at first blush seems so like an Enthusiastick Frenzy, or an absurd Paradox, that more than mere Candour is requir'd to think otherwise. This bespeaks the necessity of delineating this short Essay upon Religion and Industry, in its true and proper Colours, by shewing that altho the former of these, has been signally promoted, and encouraged by the latter, yet not to be understood in that Latitude, as to exclude the Grand Auxiliaries of Learned and Ingenious Men: For next to our Blessed Saviour, and his Holy Apostles, we principally owe the Propagation, and Universal Establishment of Christianity, to the successful endeavours of the Holy Fathers, and Eminent Doctors of the Church. These have been the chief Pillars which sustain'd the Fabrick of the Gospel in all Ages; the Grand Luminaries which have enlighten'd the dark Heathen World with the bright and penetrating Rays of the Religion of the Holy Jesus; the burning and shining Lights, which like so many Chrystalline Lamps appear'd the most illustriously, in the midst of divers intricate and obscure Heresies, unwarrantable Schisms, perverse Heterodoxies, and erroneous Principles. These Learned and Holy Men have planted and watered, cultivated and improved the Christian Religion; to which the co-operating Grace of God has mercifully vouchsafed so Miraculous an increase, as in some Nations, as well as individual Persons, to bring forth an hundred fold, in some sixty, and in some thirty. To these, subordinately to the Gracious Influences of Divine Providence, we owe the blessed effects of those successful and peculiar Offices of the Priesthood, which by that holy Channel, or Conveyance, have been deriv'd to us thro the preaching of the Word, administering of the Blessed Sacraments, comforting and admonishing of the sick, easing and disburdening of troubled Consciences, with other Acts of their Sacred Ministration. And what I have here said of the Divine and Peculiar Excellency of the Ministry in general, I desire may be also so interpreted of the Governours, and subordinate Spiritual Pastors of our Church in particular, whose admirable Constitution, both in Doctrine and Discipline, is justly to be accounted superior to any in the whole Christian World. This being premised of the singular and worthily dignify'd State of the Clergy, in the next place, I think fit to add, that tho I have represented Industrious and Mechanick Persons as very instrumental in the disseminating, and advancement of Religion; yet would I have them understood, but as the Sons of Abinadab, as so many Uzza's, and Ahio's, fit only to drive the Cart but not to touch the Ark on which it stands, and consequently not to invade any part of the Sacerdotal Function, which would inflict a Punishment upon them, as it did upon Uzza, or upon those more notorious Usurpers of the Sacred Ministry, Korah, Dathan, and Abiram, who for their Rebellion against, or rather intrusion upon the Peculiar Divine Offices of Moses and Aaron, which they would have prostituted to vulgar and common use, were swallowed up of the Earth, with their Houses, and all the Men that appertain'd unto them.

Good of
private
Pious Con-
versation.

Trade and
Industry to
be encour-
ag'd.

But without Men of Secular Employments invading the Priesthood, there seems a proper Province for them wherein to act, whereby they may abundantly promote Christianity, which I have shewn in the following Discourse, consisting in domestick and private Converse and Instruction; in which capacity Men of Labour and Industry both have, and may be very useful, by removing Ignorances in, and Prejudices against Religion, and by consequence in Mens attaining to some progress in the excellent Doctrine of Christ, and his most Holy Apostles. And if in any place of the following sheets, I seem to ascribe too much to the performances of Mechanick Men in this Case, whereby I may be thought to derogate any thing from that Veneration which is justly attributed to those of the Honourable Tribe of Levi: I desire the Reader so to interpret this Discourse, as that in the whole tenor of it is tacitly imply'd a profound acknowledgment of their laudable Endeavors, in preference to the other. But this being consider'd, I cannot see how Labour and Industry could be more forcibly recommended in this Lazy and Degenerate Age, than by demonstrating its even natural tendency to the Propagation and Improvement of Religion. For that having entail'd upon it an Eternal Good, which all Mankind do naturally desire to participate of, and Labour and Industry being shewn to be useful Expedients conducing thereunto, must needs be embrac'd upon their offering so advantageous a prospect, especially when they not only secure to us a future, but also a present Temporal Interest. That we are visibly declin'd from that active and laborious frame and disposition, which made us at once the Envy and Glory of Europe, into all the effeminate Arts of Ease, Luxury and Sloth, which have sunk us almost to the lowest degree of an Universal Contempt with other Nations, is a matter of as much truth as lamentation. In a former Discourse concerning Mechanick Industry, I proposed some Methods, whereby to revive our declining reputation as to matter of Trade and Laborious Arts, which I evinced to be highly commodious in respect of our Temporal Profit, and the improvement of the Commonwealth. I have now attempted in this small Tract to make out, that the same is also very considerable upon the account of our everlasting and irreversibile Estate in the other World, by shewing the mighty Power and Efficacy of Business towards the incouraging and farthering of Religion. And now I cannot imagine any thing in the World that can more awaken Men out of that Letbargick Drowsiness and Sloth, which this Nation seems so deeply involved under, than are one or both of these Arguments. Such as have a regard to their Secular Advantage, must (if they act consistently with their design) be Laborious and Industrious; and those who would purchase a lasting and perpetual Peace, and immortality of Bliss to their Souls, must diligently pursue their lawful Callings, and respective Employments in this Life. This (I know) will seem mysterious and unaccountable to those, who account Business the greatest Obstacle to Religion: but I hope, I have shewn the contrary, when 'tis regularly and prudently managed.

And now, if this weak Piece, brought forth in haste, without the Midwifery of Books, or other Learned helps, may conduce any thing to the retrieving of Labour and Industry amongst us, and to the suppressing of Idleness and Sloth, and consequently of those Vices which essentially flow, and are deriv'd from thence; the Author will have reach'd his primary and utmost intention in it, and has reason to expect, that a glowing and conscientious Zeal for the advancement of Religion, added to his endeavoring the improvement of his Native Country, both which he beheld sunk to so low and sordid an Ebb (the main inducements which prompted him to this undertaking) will with the Candid and Judicious Reader meet with so much Charity and good Nature, as to allow a requisite proportion of each towards a supply of its great, and in rigorous Justice, unpardonable Imperfections.

A Discourse, &c.

THE Title of this Pamphlet tacitly implores the assistance of that it seems to lessen and cry down, whereby to explain its meaning: And in regard that the Author professes to bear a vast Veneration for Learned and Ingenious Men, and consequently to be a great Admirer of humane Literature, and the Sciences; an Invasion upon their just Rights and Prerogatives in this Discourse, might justly be interpreted a *Felo de se*: and therefore to take off that imputation, he prays the Reader to understand his design, in a brief Exposition of it in the following words, (*viz.*) That from the first steps of Christianity to this day, nothing more promoted the true practice of Religion than Industry, and Employments in business of this World.

*Religion
promoted
by Business
and Industry.*

This at first view of it, looks as an apparent Solecism, or an egregious Contradiction to the generally receiv'd Doctrine or Opinion of most Men, who explode Men of Business, and Secular Employments, as deeply immersed in, and even eaten up with the Cares, and Riches, and Intanglements of this Life. But in the Sequel of this Discourse, I shall endeavor to evince the contrary, by asserting the Truth of the Proposition already laid down, upon which I will erect some Arguments whereby to demonstrate the equal necessity of it, as to the enforcing of Employments in Temporal Concerns, as well as to the restraining an immoderate use of them, in relation to our Spiritual and more sublime Condition.

In pursuance of which design, I will look back to the first Dawnings of Christianity, or Morning-light of the Gospel; in reference whereunto, not to urge any thing in contradiction to the opinion of our Divines, as not desiring to deviate from a due respect to them, I shall not presume to alledg any thing against those Reasons which they give, why our Blessed Saviour made choice of the Family of a Mechanick, whenas the Line of *David* abounded with such variety of Persons of more eminent Quality and Extraction, as well as of nobler Employments in the World. The only use that I shall make of that Observation, will be, to deduce the one, or both of these Inferences from it: That either our Blessed Saviour pitched upon this, whereby to evidence unto the World the Divine Pleasure of his Heavenly Father, in respecting Men of Labour in preference to such as devote themselves to their own ease, and live at the cost of other Men, by eating of the Fruits of their Pains and Toil; or else, that the poorer sort of the Tribe and Family of *David* were educated to Mechanick Arts. This in the second place,

I think it rational to infer from the premised Observation, because the Holy Prophets in the Old Testament declar'd it to be the determinate Will of God; and their Predictions concerning the manner of his appearance in this lower World, did all centre and concur in this, that our Saviour should come in the meanest Condition, and lowest Estate of Mankind. From whence it follows, that either of these Instances, or both, do virtually imply, or rather formally prove, that Christianity from its original appearance, or ushering into the World, was attended by Mechanicks.

And to demonstrate that both in the order of Nature and Providence, Trade and Business must be antecedent to, and in the true acceptation of the word, prevent our Spiritual Progress, and that we must be Labourers in our own Vineyards, before we can be so in that of our Saviour's; 'tis very remarkable, that we find him a Carpenter before he was a Preacher. For altho his Divinity like the Beams of the Sun out of a thick Cloud, shone with so strong an Influence, as to irradiate and break thro his Infant Humanity, when in the Temple he so strongly argu'd and disputed with the Learned Rabbies and Doctors of the Law; yet afterwards the Scriptures are silent as to an account of him for many Years: In which interval from the twelfth Year of his Age (for in that Minority, we are assured it was that he puzzl'd and non-plus'd the most Learned among the *Jews*) to his thirtieth, (the time of his Solemn Inauguration into his Priestly Office) many Learned Men suppose him to

*The same
illustrated
in several
Instances.*

have apply'd himself to the Trade of *Joseph*, whom the Incredulous and Obstinate *Jews* look'd upon as his Father; and maliciously to lessen the greatness of the Miracles which he wrought, endeavour'd what in them lay (by vile Reflections upon his supposed Birth, Parentage, and Education) to derogate from their true and supernatural worth, and so were wont to reproach him with these Queries, Is not this *Joseph's* Son? intimating his suppos'd Original: And in another place, Is not this the Carpenter? by way of contempt of his Vulgar Occupation and Employment.

Objection.

But now that he hath assum'd his Sacerdotal Function, let us follow him in the actual discharge of it; in his entrance whereupon, we find that he selected some particular Persons as his Disciples and Followers. Who these were, of what distinct Callings and Vocations, and how employ'd, cannot be unknown to any who are but in the least conversant in the Divine Oracles of the Gospel. I know it will be here objected, that his choice of such Persons that were of ordinary and Mechanick Employments, was on purpose to manifest his Divinity, and to convince both the *Jews* and *Gentiles*, that he was the Christ, by capacitating such mean and illiterate Men to become the miraculous Instruments of preaching and propagating of his Doctrine, by many supernatural Signs and Wonders, and that to all Nations, in their respective Tongues and Languages.

Solution.

To which I answer, That allowing all this, which I know to be the receiv'd Opinion of Divines, it does not therefore follow, but that our Blessed Saviour might have made his being the true *Messiah*, still more eminent and conspicuous, in calling of a Rank and Order of Men yet inferiour to these, as low and contemptible as they were; and these might have been Beggars who had no Employment: but we find that our Saviour passes by such, and calls Men from their Occupations; which seems to be a plain Argument, that as Labor was an appendant Curse, or penal Imposition, consequent to the wilful Apostacy of the first *Adam*, so it was only sanctify'd, not removed or taken away by the Second. For that Judgment pronounc'd by God to *Adam* upon the occasion of his Fall, was to the end of the World irreversibile and perpetual, and consequently a standing Mark and Memorial of his laps'd condition to all successive Generations of Mankind, namely, *In the Sweat of thy Face shalt thou eat Bread.*

Ridiculous Practice of the Church of Rome.

Among those numerous, and ridiculous Absurdities, which are but too evident in the Church of *Rome*, a Monastick, or recluse Life of Idlers seems not the most inconsiderable. And whatever may be said as to the antient Custom of a private recess, or solitary retirement from the World, in order to a more close pursuit of their Devotions and spiritual Exercises of Religion, which the Cares and Pleasures, the Hurry and Disturbances of this Life, are but too apt to cross and oppose; tho perhaps those who are capable of a regular government of their Affections and Passions, so as in due measure and proportion to make the Affairs of this World subordinate to those of Religion, may by their publick Examples of Virtue and Industry, be more instrumental both to the Temporal and Eternal Welfare of a Community of People, than such can be expected to be who shut themselves up in a Cloyster, tho they should live up to the rigor of their Order, and its first Institution: Yet I suppose the case very distant and remote to this, when it relates to those formal and hypocritical Zealots of the Romish Church, who tho by their seeming Austerities, and outward Mortifications in Religion, they artfully improve the opinion of their blind and superstitious Votaries, that they are of the first Class in Christianity, yet their apparent indulging of themselves in Idleness and Luxury, in Sensuality and Voluptuousness, and many of them in those notorious Sins of Drunkenness and Uncleaness, tho committed with great Secrecy, to prevent discovery to the Eye of the World, are all of them undoubted Characteristicks, not only of their opposing the Doctrine of our Saviour, but even that of their own Institution, into what Corruption soever 'tis now degenerated. Thus those who aspire to the highest Room in Religion, or at least pretend to it, act diametrically contrary to the Blessed and Virtuous Example of that great Lord and Master, whom they would induce Men to believe, that they are desirous to follow, but who never instituted a Society of Gentlemen, or Beggars to live in Idleness, and in all vitious and unlawful excess. And we never read, that he went about receiving (as those of Mendicant Orders do) but always doing good. We need therefore no farther assurance of the error and falshood of that Religion, whose Godliness is Gain; from such we ought to withdraw our selves, as not having so learned Christ. And by these Marks and Characters, we may easily discern it to be that professed in the present Church, or rather Court of *Rome*. But

But to return to our Saviour's pitching upon Men of a vulgar and inferiour Rank, and mean Employments in the World, to be his Disciples and Successors; let us after this choice pursue them in their Practices, and we shall find that this especial Invitation of our Saviour to the Execution of the Sacred Office of a Disciple, or Follower of the Holy Jesus, did not supersede their former Occupations, nor their heavenly Employment give a Dispensation to, or take them off from their temporal. And tho it might have been reasonably imagin'd, that Christ's extraordinary Promise to *Peter* when he was fishing, *That he would make him a Fisher of Men*, seem'd so ample a Commission for exercising himself altogether in the Divine Offices of the Conversion and Salvation of Mankind, as to give a plenary Discharge from his former mean Employment, yet by the consequence we may understand, that this was none of our Saviour's Intention. For after this, we find *St. Peter* at his Trade; and 'tis observable, that the first Miracle, or rather (I may say) that which was solely wrought by Christ after his Resurrection, was giving a temporal Blessing to their Labour, which seems to amount almost to a demonstration, that of such industrious Persons were the Kingdom of Heaven.

And to me it seems an aggravating Circumstance of that great Curse that attended the fallen Angels, that they were now no longer in a Capacity of praising or magnifying God: And as to Obedience to his Commands, they had already shewn an obstinate refusal. From this infamous Original, our idle Gentlemen, that condemn Employments, may derive the Antiquity of their Families; and indeed too many of them are the Legitimate Offspring of that degenerated Stock, who having wound himself into that evil Employment of tempting *Eve*, has ever since been extreme active in doing Mischief; whose bad Example such Persons amongst us do too industriously imitate and transcribe, who wholly devote themselves to Pleasure and Licentiousness. For the Principles of human Nature being capable of, or rather essentially subject to Action and continual Motion, it is therefore impossible for a Man to poize himself so equally in the World, as neither to do Good nor Evil. 'Tis true indeed that the Body may be so confin'd, or by Reason subjected to something of a Neutrality in this case, or more properly may be restrain'd within such bounds of Moderation, as not to make any great Excursions into an extreme: but the Thoughts of the Heart being of a more subtle and active quality, are not capable of such a Limitation, but operating by a certain Independency or arbitrary Influence, must either be employ'd upon good Objects to divert them from bad, or else for want of the former they have a natural Recourse and Tendency unto the latter, and by this means do oftentimes move their Instrument the Body by such strong Impressions, as to encline it to the reducing of them into Act; for which reason it is, we are told, that from the thoughts of the Heart proceed Murders, Adulteries, &c.

Now, since 'tis impossible to chain up Thoughts (which are a kind of spirituous Extract, or quintessential part of the Soul, proceeding from it like the Beams from the Sun, and acting the Body by a parallel Influence with the Rays of that grand Luminary, when it extends them to this lower World) it seems then to be the reason why our Saviour so encourag'd Labour and Employments, that by means thereof we may so keep our Thoughts in action, as not to suffer them to ramble upon other Objects than those of our lawful Callings, and so may check the violent Intrusion of vitious Thoughts with that of an antient *Father*, viz. *that we are not at Leisure*.

Thoughts are the Instruments of the Soul, and should not be admitted into vulgar heads, no more than a Knife into the Hand of a Child; and since there is no way to limit or confine them in themselves, the best expedient is to give them a powerful Diversion, by meeting and entertaining them with such Objects as are conducive thereunto: which to proportion agreeably to the different Sorts and Capacities of Men in the World, would be to employ the Populace with Mechanick Labour, and the finer and more speculative Heads with Arts and Sciences, that so there might be no Set of Men, as now there is, govern'd by the unruly Dictates of evil Thoughts.

By a serious Reflection upon this first Paragraph, it is obvious to every Man, that the Choice and Practice of our Saviour in the Introduction of Christianity, was directed to the Encouragement of Labour and Industry, and that the Grace of God was given to such Servants as employ'd their temporal Talent.

Let us now in the next place enquire into the Behaviour and Practice of the Apostles after our Blessed Lord's Ascension. And if any may expect or challenge an Immunity from the Labor of the Hands, we may suppose it to be these Men who were

*Apostles
had Trades
and Em-
ployments*

*Idleness a
great Mis-
chief.*

*How
Thoughts
are employ-
ed.*

*Practice of
the Apo-
stles.*

pecu-

peculiarly commission'd, and so miraculously endow'd with such Power, and so great a proportion of the Divine Spirit for the Promulgation of the Gospel, as seem'd to make that of their Ministry the only Province wherein they were to act. Add to this, that they were commanded to preach the Gospel to all Nations; and that continually in their Travels these Holy Men wrought Miracles, cur'd Diseases, and converted three thousand at a Sermon, among whom it is reasonable to believe, that there were not a few, both able and willing enough to relieve the famous Instruments of their Salvation: yet for all this, we find that they wrought with their own Hands; and notwithstanding that many of the Saints sold what they had, and laid it at the Apostles Feet, yet did they not convert it to their own use, but dispers'd it among the poor Brethren, not to maintain them in Idleness and Sloth, but to put them into a Capacity of obtaining their own Living: and this Charity was not dispens'd by the usual Method of this Age, by a Penny at the Door, to preserve Vermin in the Street; for such are the common Vagrant Beggars, that both the Law of God, and that of the Land, not only forbid our relieving, but enjoyn Punishment too; yet such is the prevalency of Custom with some, and of vain Glory and Ostentation in others, as induce too many to violate both.

St. Paul's
Practice.

But to return to the Apostles working with their own Hands, I do not hence infer, that there was any necessity for them so to do: For St. Paul has told us, that if they sow'd spiritual things, they may well reap carnal things, and that the Ox is not to be muzzled that treadeth out the Corn; with Variety of other places to this purpose, which enforce a Due to the Apostles, and to others that succeed them in their Ministry; and consequently that our present Clergy have a right of receiving *Tithes*, neither are under any Obligation of working with their Hands, as I have shewn that the Apostles were not. For St. Paul (notwithstanding that he did so) told the *Thessalonians*, that he might have liv'd on his Ministry; yet he and the other Apostles chose rather to work with their own Hands night and day; and he gives this reason for it (which is what I would infer from, and principally aim at in this Discourse) that he might be an Example to them of, and thereby promote Labour and Industry. He tells them therefore by way of Repetition, what his Doctrine was then among them, that they should work with their own Hands, and study to be quiet; as if Idleness tended to create Discords and Animosities among them, fomented by such as had nothing else to do, and whose Sloth had so impair'd their Fortunes, as seem'd to put them upon a Necessity of retrieving themselves, by raising Disturbances and Confusions in the Country: and that on the contrary, a diligent pursuit of their respective Vocations and Callings, was the best means of begetting Peace and Unanimity with one another. And farther, enjoyns a Punishment to such as did not labour, by ordaining that they should not eat; which not eating seems (with submission to better Judgments) to mean a prohibition from the Lord's Table, which looks like the true, tho contrary to the vulgar Acceptation: And my reason for this Opinion is,

First, That it seems not practicable that the Church in the days of the Apostles, who had no temporal Authority, could take away the means of Mens temporal Support: nor do we ever read, that any Christian Church (but that of *Rome*) impos'd pecuniary Punishments for Sins.

Idleness
condemn'd
by the A-
postle.

Another reason is deduc'd from the following Verses of the Chapter, where the Apostle seems to explain himself; For (saith he) *I hear there are some among you that work not at all: Now such (saith he) let them work, and eat their own Bread.* The former it seems were not quite idle, but only faulty in part, and therefore were to be restrain'd, whilst they continu'd so, from the Lord's Table: but the latter were totally guilty, and must first be reform'd by eating of their own Bread; that is, by the purchase of their Labour, before they could be admitted into the Communion of the Church.

From what we have already premis'd, both as to the Doctrine, exemplary Practice, and strict Injunctions of the Apostles, it appears sufficiently plain, that each of these respectively, as well as all of them, did jointly tend to a reducing of Men from Idleness, being look'd upon by them as the first introductory step of their Conversion to the Christian Religion. The Door is shut, and no entrance is admitted to the evil Spirit, where Men are busied in just and lawful Employments: whereas indeed Idleness is the Source and Inlet to all manner of Vice, and the Devil will certainly be most active when he finds Men at leisure to receive his Impressions. He will then shoot his poisonous Arrows, when the Mark stands so fair, and Men for want of business seem prepar'd for his wicked Influences and Suggestions. Experience has fully

fully instructed him how to improve all Opportunities; and it would reflect upon his Art and Policy, not to make an Attack when the Garison is in such a Lethargy that it cannot be rous'd up to any vigorous Opposition. Besides, we must consider that Idleness does not only leave room for the Temptations of the common Enemy of Mankind, to operate successfully upon us; but it also raises a Storm within our own Breasts, by naturally encreasing unlawful Lusts, and vile Concupiscences, which like combustible matter meeting with the fuel of outward Allurements, which Satan skilfully accommodates to the evil Genius of our vitious and deprav'd Affections, must needs resolve into a Flame. Whereas Labour and Industry do not only put a stop to Temptations, by not affording leisure to our Thoughts to dwell and ruminate upon them; but also are a good expedient to keep the Body in a due subjection to an even and regular *decorum*, and consequently to the subduing of extravagant and sinful desires. Therefore Men that are busily imploy'd upon their lawful occasions, are like Conjurers, secure within their Circle, both from the Snares and Insinuations of the Tempter, as well as from those of their own Lusts; both which an idle Person is constantly expos'd to.

It is very remarkable, that we do not in all the Scriptures read of any possessed with Devils, that were Men of Employment.

The *Gadarenes* were an Industrious People; perhaps had there been many Idlers, the Legion had not crouded into one Man; and when our Saviour turn'd them out, they made it not their request to enter into the Herdsman that kept the Swine, tho as near to them as the Herd: for that poor Wretch was upon his lawful Employment, which was an Antidote and Counter-charm against the entrance of these evil Spirits into him.

*Industrious
Men sel-
dom posses-
sed.*

'Tis matter of Lamentation to consider, that in an Age wherein the Sins of *Sodom* abound with so great predominancy, there should be so few Lots to preach against that remarkable one of Idleness. Some will be apt to draw this inference from that Omission, that many of our Divines say with *Lot* concerning *Zoar*, Is it not a little one? a Gentleman's Privilege, and so not to be invaded? A Birth-right indeed to the Posterity of *Esau*, who we find had that Quality inherent to a Gentleman in the present Age, which still, to continue the Parallel, was in use, a good Hunter: but we find that the Sons of *Jacob* were better employ'd, in imitation of the Patriarch their Father, who was a plain Man, but a good Shepherd.

Indeed it seems very unaccountable, that some Pulpits are full of Reproofs against the Off-spring, and yet silent as to the Parent of all Sin, which is Idleness. Whereas, if what the Logicians affirm be true, that *Sublatâ causâ, tollitur effectus*: It seems the best method to pull down Vice, by beginning at the Root of it, which being destroy'd, no more nourishment can be imparted to the Branches. Now 'tis plain, that Idleness is the Foundation, and that other Sins which naturally arise from it, are but the Superstructures of Impiety. 'Tis that which is the Origin and Fountain of all manner of Wickedness, and other Sins are but the Streams which flow from it: and if we would stop or divert the Current, we must apply our selves to Labor and Industry, which however great Men seem to claim a certain Dispensation or Immunity from, and think themselves free and at loose for their Pleasures, yet we meet with no such exemption for them, either in Sacred or Modern Authors; but contrary to that, such have been always stigmatized with the ignominious Characters of Effeminacy and Luxury, who addicted themselves to Sloth and Voluptuousness; and others dignify'd with the highest Panegyricks, and utmost efforts of Human Praises, who were painful and industrious. As for example, what a Reflection was it upon the Greatness and Wisdom of *Solomon*, to give himself such a licentious freedom in all those Lusts and Pleasures which he afterwards pronounc'd to be Vanity of Vanities, and Vexation of Spirit? And after making an experiment of their insufficiency, recommends the study of Virtue and Industry, as the only true Wisdom. On the contrary, how much did it redound to the infinite Commendation of *St. Paul*, so eminent an Apostle and so Learned a Doctor, bred up at the feet of *Gamaliel*, and commissioned to preach the Gospel to the remotest and utmost parts of the Universe, to work with his own hands, when there was neither any obligation nor necessity for him so to do? What Honourable Titles are given to great Personages, *Alexander*, *Cæsar*, and *Hannibal*, *Scipio*, and *Epaminondas*, and several other *Grecian* and *Roman* Worthies, who were fam'd for their great and industrious Atchievements? On the other hand, with what Infamy and Contempt do Men mention the Names of *Vitellius* and *Heliogabalus*, with abundance more of those Bestial Monsters, who sat at the Helm of the *Roman* Monarchy? What a different

*Idleness not
sufficiently
reprov'd.*

Character

Labour and
Industry
encourag'd
amongst the
Romans.

Character do the Historians give us of *Pompey* and *Lucullus*, of *Augustus Cæsar* and *Mark Anthony*? And how far do we find these to have outstript the other in all their Actions, improving their high Fame by Assiduity and Labour, and the others every day more and more eclipsing the Beauty of that Reputation which they had got in the World, by a servile Degeneracy into Effeminacy and Luxury. It were highly to be wished, that our Gallants of the Age would from these and the like Precedents consider, that the way to immortalize their Names to Posterity, and to render them serviceable in the State or Commonwealth wherein they live, is by applying themselves to such Arts and Exercises of Industry, as may be sutable to their respective Educations and Capacities, and not to think themselves disengaged from all business, because their Birth or Parts seat them above the Rank and Order of mean Employments: For all-wise Providence has compos'd all things in this World by so exact an harmony, as to make every part of it capable of discharging its incumbent Office, by a due and regular proportion. So that as in the Microcosm, or little World of Man, every distinct Member is intitl'd to its proper Function, which it is oblig'd to perform, tho some more honourably than others; so in a Body Politick every individual Person stands bound to acquit himself of that Employment in the State, which God and Nature, his own Education, and the Appointment of his Superiors has render'd him capable of: otherwise, if none were oblig'd to Business, but such whose Necessities and Vulgar Extraction enforc'd to it, whereby to obtain a Livelihood, the whole burden of the Commonwealth must lie upon the Shoulders of the Populace; and then a wise Government might well be expected, when Employments of the highest dignity and moment were committed to the management of such *Plebeian Heads*, whose illiterate Breeding would make them wholly unapt for such Undertakings. And yet this consequence must needs be entail'd upon that erroneous Opinion which too many Gentlemen by their present Practices seem to maintain; namely, That a competent Estate disobligees them from Business, and by consequence gives them an unlimited freedom of pursuing their Pleasures at random; notwithstanding that we find that both now and in former Ages (as has been hinted already) Men of Action were those who entitul'd themselves to any Credit or Reputation in the World. And altho such as endeavour to do so now, proceed by Slaughters, and enslaving Kingdoms; yet when the World was less vicious, and Men of more sedate and less turbulent Dispositions, the greatest Heroes wore the Laurels of Arts and Industry; and Nations not only gave up themselves, but even their Names to be honoured with that of their Instructors, as the *Oenofrians* from *Italus* to be called *Italians*, after he had taught them the Art of Husbandry. Nay, the great veneration and esteem which they had for such, abounded to that excess, till at last they ador'd those as Gods, that put them upon Arts and Labour. But I must beg pardon for this Digression from my first design of proving, that Arts and Labour reform'd these Heathens to Christianity, as Labour did first from Bestiality to Humanity.

In the prosecution of this Discourse we have already passed through the Lives of our Blessed Saviour, and of his Holy Apostles; in the course whereof we find the agreeableness of their own Practice with that of their Doctrine, *working with their own hands*, as already mention'd, and so far from receiving any thing of their Converts, tho they told them they might lawfully have done it, that even we find *St. Paul* discharging a Debt of a Convert due from him to his Master, that was also one of the same Apostle's Followers, likewise promising that the Servant should for the future be more profitable.

Religion
and Busi-
ness are not
to inter-
fere.

And in this place we may fitly observe the great Caution used by the Apostle, not to let Religion interfere with secular Business, but as it were made the better, the greater give place to the lesser, that so no Man should pretend an occasion of lessening his Labour and Industry upon the account of Religion. To illustrate this to you, we must believe, that this *Onesimus* was a Mechanick, and upon that account profitable to his Master. The Apostle we find wanted a Servant, being (as he soon after calls himself) *Paul the Aged*; and may reasonably be thought would not have been denied him if desir'd: but 'tis plain, that he would give no such Example of Mens deserting their Temporal to espouse the Spiritual Calling; they were by the God they worshipped joined together, and therefore no Man was to put them asunder.

But now that we have taken this prospect of what both the Apostle's Preaching and Practice was in this case, let us in the next place see what Approbation and Encomiums were given to such as pursued both their Doctrine and Example in this particular,

particular, and with it enquire what other Qualities and Endowments are commended in Holy Writ.

And in order to this I think it not amiss to observe, that in all the Apostles Writings, a greater Character is not given to any of their Converts, than to the Industry of a Woman, of which to shew God's great Acceptance and Encouragement, a Miracle was wrought to bring her back, that so she might excite others to that Labour, of which she was in her own Person so exemplary and remarkable an Instance. That she was a Woman of great Piety, is beyond all doubt; and had she been so in these days, her best Friends would have thought it her highest Encomium, to have enumerated her Hours and Days of Devotion, and to have left out her Works of Labour and worldly Employment: but we see that the Holy Spirit thought fit to do otherwise, by being silent as to the former, but giving us an ample account of the latter; which tacitly interprets unto us, That Religion affords no Sanctuary, or is any shelter for Idleness and Sloth to repair to, but on the contrary, is the greatest Tie and Obligation to Business that can be imposed upon humane Nature. This may look like a Paradox to some, who measure the Duty of a Christian by the frequency of Acts of Devotion, either publickly in the Church, or privately in the Closet; that considering both the Doctrine of Christ and of his Apostles to be chiefly levelled at the advancement of Religion, and the debasing of our secular Interests, thence infer, That they can never too zealously adhere to the former, or too much relinquish and abandon the latter.

Commendation given to Persons of Industry.

But it is to be consider'd, that our Saviour and his Apostles well understood the remissness, or rather averfeness of our Natures to acts of Divine Worship, and therefore accounted it more necessary to press their due observance, than that of our temporal Advantage, to which our deprav'd Dispositions did but too violently hurry and transport us; otherwise, unless we will own that they contradict themselves (a Supposition as irrational as 'tis odious to a Christian) we cannot but acknowledge, that Christianity carries no inconsistency with the pursuit of our lawful Callings: That Religion and Business are not incompatible, but that as we are oblig'd to serve God in our Devotions, so to provide for our Selves and Families in our worldly Transactions; an omission whereof is by the Apostle accounted, not an advancing but a degrading of Christianity below that of absolute Gentilism. And the Apostle's reasoning in this case is both plain and excellent, if we consider that not only the Law of Nature in its first Institution, did unalterably bind all Mankind to such acts of Industry as might tend to a preservation of themselves, their Families and Posterities; but even the corrupt Principles of it in the degenerate Heathens, wrought with so strong an Influence, as to conclude themselves bound to labour upon the same account.

Now if our Saviour's coming into the World was not to destroy, but to correct the Errors and Corruptions crept into that Law by the depraved Lusts and Interests of Men, which had strangely byas'd and perverted its original Rectitude and Design; and not only to reduce it to its former streightness, but to improve every Part and Principle of it to an higher Perfection than it was capable of before; it must needs follow, That by so much we are the more oblig'd to Industry by the Law of Christ, by how much its Enforcement thereunto exceeds that of Nature.

Christianity improves Nature and Morality.

Again, Christianity has adopted those things, which Men formerly stiled *Acts of Nature and Morality*, into the number of such as are religious: by which it comes to pass, that Men as really serve God in their Callings, as in their constant and immediate attendance upon Divine Worship. He that has commanded us to pray, to hear the Word, to receive the blessed Sacrament, and to perform other Offices of Devotion, has also bid us to work with our Hands, to be industrious in our several Stations, to follow the Business of our Callings, and the like; and in obedience to the latter of these Precepts, we worship and adore the Divine Majesty, as really as in the former: Nay, without these, the other are of small use or advantage unto us, are not very, if at all, acceptable to the Throne of Grace, nor derive to us any considerable Blessings from thence. On the contrary, this pulling down with one hand what we set up by another, this Extremity in Religion to the neglect of our proper and lawful Business, obstructs the Divine Favours, and will make all our Toil in Religion turn to no good Account: And the Reason is, because we endeavour to storm Heaven, in a way contrary to the revealed Will of God; strive to be religious by committing of a Crime, and in truth do Evil that Good may come of it. I speak not this to discourage Men from making all the proficiency in Religion which they can possibly attain to, provided they pursue those Measures that

Avarice
discourag'd.

that are conducive to that end. I think it impossible for Men to fast and pray, and to repair to their publick and private Devotions too frequently, if these Duties be so proportion'd as not to hinder those others which they owe to themselves and Families, which both God and Nature require from them. Neither would I by any means have mens Avarice to slacken and interrupt their Zeal, upon a pretence of making a necessary provision for their subsistence in this World. This, I'm sensible, is a thing which is and may be improv'd to very ill Consequences: Men are apt to make a sinister use of that Liberty which God has given them of following their lawful Callings, by pursuing them to that height as to neglect their Duties in Religion: And more there are that run to this than the other Extreme, and requiring the Application of severe Causticks to remove their Disease, must be sharply reprehended for so foul an Error. But the other being reckon'd one of the right hand, deserve a mild and gentle usage, and must be manag'd by Lenitives, and meek Arts of Persuasion. To such, as it is necessary to give all due encouragement to a regular progress in Religion, and to animate them to a constant perseverance in the ways of Piety; so mildly to insinuate that 'tis not a moderate, but an inordinate pursuit of worldly Business, which interferes with, or carries any opposition to the Gospel; otherwise, that 'tis so far from being a Sin, that 'tis an indispensable Duty in some indeed to attain a higher degree than others, suitable to their respective Circumstances or Education in the World: this is a Truth which we cannot but be the more unquestionably convinc'd of, if we consider how great a part of that Duty which we owe to God, is by Christ and his Holy Apostles devolv'd upon our Neighbour, as the grand Mark and Characteristick of our unfeign'd Love to himself. Now 'tis plain, that the more diligently we pursue our several Callings, the more we are capacitated, not only to provide a competent Subsistence for our Selves, Friends, and Relations, which Nature more immediately binds us to relieve, but also to extend our Charity to such as are in Poverty and Distress; a Sacrifice most acceptable unto God, and which he is better pleas'd with, than the bare Obedience of the Calves of our Lips. And to me it seems no contemptible Argument, that Religion is highly promoted by Industry (the Subject of this Discourse) seeing that nothing so enables a Man to be charitable as that; and none are ignorant that Charity is a most Christian and Divine Grace, and in the whole (of which that of Alms-giving is a part) preferable to all others in the Gospel.

The Practice of the
Primitive
Christians.

But not to insist longer on this Point, nor to enumerate more Instances out of Holy Scripture of such who are fam'd by the infallible Penmen for their great Labour and Industry, I will in the next place descend to the Practice of the Primitive Christians in this Case: And if I should wade into Antiquity, and undertake to ransack the Account given us of those early Times of the Gospel, I might present the Reader with such an inexhaustible Treasure of Examples of this kind, as would fill a Volume, and consequently be very disproportionable to the brevity design'd in this Discourse. I shall therefore mention one for all, which is that of the *Abyssine Churches*, first converted to Christianity by the Eunuch baptiz'd by *Philip*, but improv'd by the preaching of *St. Matthew*. The Priests of those Churches get their Livings by Labour, and to oblige them to be the more industrious in it, they are not permitted to receive or beg any thing of the People: and however they seem to have lost much of, and to have sensibly degenerated from the Purity of that Doctrine which was deliver'd by their first Teachers and Instructors; yet that part of it which the Apostles recommended as a standing Rule to be taught and inculcated to the People, is to this day inviolably observ'd by the Priest for an Example to his Congregation.

But to descend to later Ages of the World, we shall find, that in all or whatever parts of it Christianity flourisheth, there the People are remarkable for their Labour and Industry: But in making so large an Hypothesis, I must crave leave to limit my Assertion to the Reformed Churches, as they are distinguish'd from that of *Rome*, whose degeneracy into Heathenish Idolatry, and into divers, if not all of the leud and vicious Courses of the *Gentiles*, has consequently reviv'd that Idleness and Luxury which was predominant amongst them; which as Christianity in its first Establishment did in a great measure eradicate and supplant, so the same Weeds and Tares growing up again by the Errors and Corruptions of that Church, are now choaked and suppress'd in those Places where Religion is divested of that grievous Yoke of *Romish* Superstition, and reduc'd nearer to that original Purity in which it was first deliver'd to the Saints.

A Demonstration whereof are those parts of *Germany* where *Luther* began the Reformation, wherein Trades, Arts and Sciences flourish most; the *Hans-Towns* being distinguish'd by their multitude of Labourers, as well as regular Life.

Reformation promoted in places of Trade.

From thence let us travel to *France*, and there see how *Calvin's* Reformation is attended with the industrious Part of that Kingdom. This might be prov'd at large from the visible decay of Trade since the Persecution of the Protestants there, whose Churches were attended with Lay-Elders, as well as adorn'd with Learned Divines. And in something parallel to this are our Churchwardens here, whose Duty and Charge is to present such Persons, whose Vices are the Concomitants, or rather natural Consequents of Idleness and Luxury. I could easily enlarge the Resemblance betwixt these in many Cases (chiefly in suppressing Sloth and Idleness) but the Office of a Churchwarden being so universally understood in every Parish, I shall not trouble the Reader with that which he is suppos'd to be acquainted with before.

In France.

To return therefore to the Reformed Churches abroad, you shall find the greatest part of Discipline to pass through the hands of the Laity, the Doctrinal part, and the Administration of the Blessed Sacraments being thought the Work of the Clergy. Now see what a mighty Progress has this Method of Government met with, and how wonderfully it has succeeded, amidst their most inveterate Enemies the Church of *Rome*!

In *Germany* it spread with so great an extent, that the Romish Party were afraid, that tho it took not up the greatest part of the Country, yet it would of their Arts and Labour, and leave them none but the unprofitable Rubbish of the Empire; and that stirred up the Empire to consider ways how to stifle and suppress them, which by no Contrivances they were able to effect. God, who works not now by Miracles, uses Means and Instruments suitable to our Understandings, and agreeable to our lawful Interest and Improvement in the World; and in proportion to this, the Reformed Churches laid their Methods, instructing their Followers in the first Rudiments or introductory parts of Christianity, catechising and preparing their Children and Servants by such of the gravest and best approved Lay-Elders among them, that were most capable of informing the Clergy of their proficiency and growth in Religion, who were then brought to their Divines and examin'd; and after being approv'd by them, were admitted to a participation of the Holy Sacrament of the Lord's Supper. Not unlike to this is the Order of Confirmation perform'd by the Bishops in our Church.

In Germany.

This course of the Reformed Churches prevail'd with great Advantage over the Papists: For their way of gaining Converts, was by drawing Men and Women to Idleness and Poverty, vehemently urging the Doctrine of Self-denial, but with no other intent than to enrich their Church by impoverishing their blind and ignorant Votaries. This Doctrine, as it was justly odious in its egregious misapplication, by converting what they thus rack'd from their People to sinister uses, in maintaining a numerous brood of leud and idle Men, who liv'd in all manner of Ease, Luxury, and unlawful Excess; so was it grievous and uneasy to those who parted with the necessary support of themselves and Families, to purchase the Prayers and Benediction of the Church.

Has great Advantage over the Papists.

The Protestants proceeded in a way diametrically opposite to this, and instructed their Converts as well in the Methods of an industrious course of Life, as in the Principles of Religion and Virtue: And at the same time that they educated them in the Service of God, and taught them how and in what manner to perform the Offices of Divine Worship, they likewise proved, that one part of their Duty consisted in making a necessary provision for their Families; and that in all the Scriptures there is not a blacker Mark of Infamy plac'd upon any that violate the Divine Laws, than such as are guilty of that gross Omission. And it is remarkable, that in those great Tracts of Ground where multitudes of Beggars swarm, there is not one of the Reformed Religion among them; which seems to be a signal Blessing, in a plain verification of that of the Royal Psalmist, *That he never saw the Righteous forsaken, nor his Seed begging their Bread.*

I might enumerate an abundant variety of Instances to prove, how temporal Blessings attend Industry among Heathens, and how that just and gracious Providence (which rewards every one according to their Doings) has shower'd down upon the Gentile World many secular Felicities and Enjoyments upon that account; but I must remember to keep within my Sphere, which I have limited to Christianity, and more especially to that part of it which by that inexpressible happiness

Temporal Blessings attend Industry.

of the Reformation, is more properly and truly such. In pursuit of which Design, as I have nam'd *Germany* and *France* in general, so let us take a Prospect of that little State of *Geneva*, which like a Gem in a Garment shines in the midst of its Neighbours; the City is as one Hand in Labor and Arts, not a Person to be seen without Employment, and few or none ignorant and unconcern'd in his Religion, but both making a joint, and (as it were) mutual Progress: And indeed, according to the present State and Condition of that place, there seems to be such a necessity for their dependence one upon another, as that it cannot be suppos'd, that either could be supported without its Concomitant; and both of them thrive to a miraculous Augmentation and Improvement, notwithstanding that they are enclos'd and fenc'd about by Enemies to both: Besides, that it is a City situate within the Land, and has not so large a Territory belonging to it, as appertains to some of our Nobility in their Demeans, yet bears the Characters of a Commonwealth; and if consider'd in all its Circumstances, in respect of its Circuit, People, &c. may be thought the most formidable place, of so small a Tract of Ground, and so little a number of Men, that is in the Universe.

Advantage
by Trade in
Holland.

The prodigious Growth and Improvement of the United Provinces, since the establishing of the Doctrine of the Reformation among them, is so obvious to every Vulgar eye, and so universally known, as needs not to be mention'd in this Discourse: only that which respects the Case in hand, ought not in reason to be omitted, namely, how considerable a share and interest the Laity are entitl'd to, in the Propagation of the Gospel, and Encouragement of Religion, arising from their private Instructions, as well as publick Example of a pious and laborious Life. Their Clergy chiefly respect it as their proper Province to be conversant in the publick Exercises of the Ministry, committing the Management of Domestick and private Instruction to the Laity; it being a receiv'd Opinion amongst them, as 'tis with most of the reform'd Churches, that the Commonalty are best wrought upon, and prevail'd with by the Arguments, Examples, and Converse of their Equals and Companions, and such as are of their own size as to their Fortunes and Station in the World, tho not as to their Knowledg and Expericnce in Matters of Religion.

We will now come to our own Country, and Plantations, and take a view of that Progress which Religion has attain'd to among our selves, and consider by what Hands, and in what Method most propagated. 'Tis an Expression as common as 'tis true, That the *Blood of the Martyrs is the Seed of the Church*; and of all those who gallantly deposited their Lives for the Interest of Christ, and his Holy Religion, how many were of the Laity? You will not find one in ten of higher Characters: and of those invincible Champions for the Church and the Reformation, the generality were Tradesmen and Women, such as labour'd with their hands for the support of a Life, which they were ready with such great Courage and Alacrity to lay down; and as an heroick Testimony of their Christian Magnanimity, seal'd their Religion with their Blood. None will be so unkind to the blessed Memories of these poor People, but Glorious Martyrs, as to affirm, that they were not good Instructors in Religion, seeing 'tis a Maxim acknowledg'd by all, That Example is more prevalent than Precept.

The Glory of
the Martyrs
not lessen'd.

But in thus giving a just Character of the worthy Carriage of the generally Mechanick Laity, I would not be understood to derogate any thing from that Veneration which all of us justly owe to the Martyrdoms of those famous Worthies of the Church in those times, and blessed Instruments of the Reformation, *Cranmer*, *Kidley*, *Latimer*, &c. These were heavenly Lamps, who both by their Doctrine and Example have forcibly recommended the Embrace of the true reformed Religion to all Posterity, and by dissipating the Clouds and Mists of Romish Idolatry and Superstition, have so clear'd up and enlightened Christianity with its antient Brightness, that our Ingratitude would be as unpardonable as miraculous, if we should be wanting in any of those publick Testimonies of a profound Respect, which their heroick and exemplary Sufferings, as well as christian and wise Conduct in the whole Progress of the Reformation, may justly require from us. But all this being allow'd, as in reason it ought to be, I see no Cause why the Sufferings of the ordinary Laity may not claim a due place in our pious Remembrance and Esteem of them, and that we should not account them to have been greatly instrumental in promoting and corroborating of the reform'd Religion in their Station and Circumstances, as their Martyrdoms and constant Perseverance do amply evince.

From our Native Country we will pass into Foreign Plantations, and of those Example of New-England: speak something, especially of *New-England*; and because I would not be thought a Friend to Separation from the Church as by Law establish'd, I desire therefore to be understood so, as not to represent them a Precedent, but an Instance only of a wonderful growth in that Wilderness, by their Industry and publick Encouragement in Religion. These People in the space of twenty years became the greatest Plantation that any Age ever produc'd, and the visible means was the great Industry of the People: Not a Man but was employ'd in Labour or Arts, their Children kept at School, and such, whose Quality seated them above mean Employments, were put to the University, which they expressed a great Care and Sollicitude at their first Planting to erect. Now to bring this Relation to my Purpose, to prove that Artizans, Men of Labour and Employments, have been great Instruments in promoting and advancing the Christian Religion, I will shew how they have prevail'd in the Conversion of divers of those Heathens they liv'd amongst; and for the better understanding the difficulty that attended the dissuading those poor Wretches from their antient Gentilism, I shall shew their manner of Living and Worship when the *English* came among them.

Idolaters they cannot properly be call'd, because they neither worshipped the Sun, nor Host of Heaven; nor indeed had they any Idols among them, their Worship (if any such they had) exceeding even that of Idolatry it self, and consisting in supplicating the Devil, and that only upon Extremity of Sicknes, which was Customs of the West-Indians before they became Christians. done by their Witches, Priests, or *Powon*, as they call them, who upon extraordinary Occasions raise the evil Spirit in the shape of a Dog, or any Creature among them. These People then having no publick Rites or Ceremonies of Worship, no Sacrifices, or burdensom Devotion, as other servile Wretches to that evil Spirit are miserably intangled in, made it a matter of far greater Difficulty to bring them off a Life of Liberty, than it can rationally be suppos'd to be, where Men are loaded with the most extreme Rigors and Superstitions, Austerities, macerating and cruciating their Bodies like the *Dervises* among the *Turks*, and several other deluded Zealots both among the Mahometans and Heathens, or such as sacrific'd their Children to appease (as they vainly imagin'd) their angry Deities. To have prevail'd with these to relinquish their Follies, which were so ungrateful to Flesh and Blood, so harsh and awkward to their natural Inclinations, which expos'd them to such mighty Hardships, and made their Lives a continu'd Series of the greatest Misery and Sorrow that could be inflicted upon Mankind; and in lieu thereof to have embrac'd the pleasing and light Yoke of Christianity, would have been a Deliverance from exquisite Tortures, to Ease and Liberty: but the Case was otherwise with these *Indians*, who were not under any such Severities, and therefore not expos'd to such mortifying Circumstances.

Another Obstruction was, That these *Indians* (the Men especially) liv'd as well without Labor for their Bodies, as divine Worship for their Souls, and would not be induc'd to any thing of Labor, lest they should thereby be oblig'd to Religion. Now let us see how many were brought in to be true Converts, and not such as the *Spaniards* made in the *West-Indies*.

'Twas found a difficult undertaking to bring them to Church, and publick Instruction: but first discoursing with the poorer *English*, and being told by them, that Difficulty of converting them. their God commanded them to work with their Hands, as well as pray with their Lips, and that if they did both, they should go to a place of everlasting Joys, where they should have no Labor; this brought them to their Churches, and so (by the Blessing and Goodness of God) to their Conversion; which is now arriv'd to that height, that they are come to numbers of Converts, have the Holy Bible translated into their own Language, and Ministers to officiate amongst them, who are of the Natives of the Country, but carefully educated at the *English* University. And whereas before their Conversion, the *Indian* Men did no manner of work, no not so much as planting their Indian Corn, or gathering it in, but all was done by their Women; since they became Christians, they are good Artizans and Labourers. This (I presume) will be granted a sufficient Demonstration, That laboring and mechanical Men are very active and successful in the Propagation of the Gospel: And as a publick Blessing upon their great Industry, this Country, like those I have before mention'd, has no such thing as a Begger among them.

Now, as hence we may observe the Blessing that attends Industry in the Conversion of Heathens to the excellent Doctrine of Christianity, as has been instanc'd in

in this Foreign Plantation ; so on the contrary, we see how the Natives that live in other Plantations, continue in their miserable Gentilism : the reason that may be assign'd for it, is, That there our *English* do more indulge themselves in Idleness and Luxury, and depend upon the Labour of Slaves, and Malefactors that are sent thither for their Crimes ; which makes the *Indians* infer this Conclusion from it, That Work and Labour is no Duty, but a Punishment.

Indians
made Chris-
tians, and
the Bless-
ing attend-
ing the in-
dustrious.

Thus I have given a succinct view of several Ages and Periods of Christianity since our Blessed Saviour, and have endeavour'd to shew, that wherever the Religion of the Holy Jesus has been introduc'd, Artizans and Men of Labour were highly instrumental in the Acquisition of, if not led the Van in that spiritual Conquest. Our Saviour made choice of such, his Holy Apostles and Successors inculcated this Doctrine by their Precepts, as well as inforc'd a vigorous Execution of it by their Examples. Their Converts, and the primitive Christians pursued the same Steps, as well in their Lives as Instructions to others ; and after a general Defection by the Errors and Innovations of the Church of *Rome* (which reduc'd Matters to a primitive State of Heathenism, and consequently degenerated into Idleness and Luxury) our Reformation sprang up among the same People of Industry and Labour, who retrieving Christianity from the gross Corruptions of the Romanists, reduc'd it to its first and antient Purity, and so encourag'd that Diligence in secular Employments, which the first Preachers imprinted in their Gentile Converts, and such as became Profelytes to that most excellent Doctrine of the Gospel. And as this course was pursu'd by our selves at home, so has it been carefully attended to by our Countrymen in our Foreign Plantations of *New-England*, where we have observ'd, that what Proficiency many of the poor *Indians* have attain'd to in Christianity, is owing to the Instruction, and familiar Converse of the ordinary Mechanick *English*, at whose Persuasion they were prevail'd upon to make an industrious Enquiry into the Nature and Principles of the reform'd Religion, and consequently to espouse and embrace it. And in our daily View and Prospect of the best govern'd and religious Sons of our own Church, we may observe them to be such as allow not themselves in Idleness and Luxury, but strictly apply their Endeavors as well to a laborious as a religious Course of Life. And as we find some Mens worldly business so regularly and prudently manag'd, as not to obstruct, but on the contrary to promote and improve Religion, by affording them the greater Opportunities of extending their Charity to distressed Objects, and the like ; so are there others, who being either wholly, or in a greater measure exempt from temporal Employments, are less regardful of, and not so painful and solicitous in securing to themselves an immortal divine State in the other World : the Parable of the unprofitable Servant being applicable to them in a twofold Construction, in a visible Neglect, or at least Non-improvement both of their Secular and Spiritual Interests.

A Letter to a Friend concerning the Behaviour of Christians under the various Revolutions of State-Governments.

S I R,

THE Revolutions that so frequently happen in States, may well engage an honest Man to examine how Christians, and the Church in general, ought to behave themselves in such kind of Revolutions. I have therefore undertaken to answer your desire, in as clear and perspicuous a manner, as it is possible for me, without making too particular a Reflection upon the present change of Government which hath put you upon proposing this Question to me. You desire to know of me whether it be lawful for a Christian to pray for a Prince whom he takes to be an Usurper, and how the antient Christians behaved themselves in the like Revolutions.

The First Point is a question of Right, whether it be unlawful to pray for a Prince, whom we believe to be an Usurper; so as that all those who are of this Opinion, are oblig'd to separate themselves from the Communion of those who believe him to be a lawful Prince; it being impossible that those who think they ought to pray for a dispossessed Prince, because they consider him as their lawful Prince, should be present at the Prayers that are made for a Prince whom they consider as an Usurper. The second Point is a matter of Fact, which I might excuse my self from entering upon; because it is certain that Christians are to order their Lives not by Examples but by Rules. However for your satisfaction I will not refuse to take a short view of the Behaviour of the Primitive Christians in such kind of Revolutions.

As to the first Point, I answer, That it is not only lawful for a Christian, but that he is also oblig'd in Conscience to pray for those, who are in possession of the Authority of the State wherein he lives, if he hath a mind to obey the Apostle St. Paul, and to follow the Principles of the Christian Religion. I suppose that that which is the Duty of every Christian in particular, is the Duty also of the Church in general, forasmuch as the Church is nothing but an Assembly of Christians.

Take we a view therefore of the Command of the Apostle St. Paul in his first Epistle to Timothy, Chap. 2. v. 1, 2, 3, 4. 'I exhort therefore, that first of all Supplications, Prayers, Intercessions, and giving of Thanks be made for all Men, for Kings and all that are in Authority; that we may lead a quiet and peaceable Life in all Godliness and Honesty. For this is good and acceptable in the sight of God our Saviour, who will have all Men to be sav'd, and to come to the Knowledge of the Truth. The Learned Dr. Hammond hath thus paraphras'd this Precept. *Dr. Hammond's Opinion.* First, In the first place therefore I advise thee and all the Bishops under thy Metropolis, that you have constant publick Offices of Devotion, consisting, (1.) Of Supplications for the averting of all hurtful things, Sins and Danger. (2.) Of Prayers for the obtaining of all good things which you want. (3.) Of Intercession for others; and (4.) Of Thanksgiving for Mercies already receiv'd; and all these not only for your selves, but in a greater diffusion of your Charity, for all Mankind. 2dly, For the Emperors and Rulers of Provinces under them, to whom we owe all our peaceable living in any place, in the exercise of Religion and a virtuous Life, and therefore ought in reason to pray and give Thanks for them. 3dly, For this God under the Gospel approves of, and requires at our hands. 4thly, In proportion to the Example which he hath given us in himself, who earnestly desires the good of all Mankind, and useth all powerful means to bring them to reform their former wicked Lives, and now to entertain the Gospel. Whence it appears clearly that a Christian, as such, is oblig'd to offer up unto God publick Prayers for those that are invested with the Sovereign Authority, and that this is a Duty of the Church in general.

And

St. Paul's
meaning
explain'd.

And here I desire you to observe two things : the one is, that the Apostle St. Paul makes no distinction betwixt the lawful Emperors and Usurpers ; the other, that he grounds the necessity of these Prayers upon a principle of Gratitude and Acknowledgment to the Government in general, whosoever they be that administer it, forasmuch as we are beholden to them for the peaceable Life we enjoy in the exercise of our Religion and a virtuous Life.

This being thus stated, a Christian can have no further scruple in this Point, but only about the question of matter of Fact, viz. Who those be that are in actual possession of the Sovereign Authority ? But this is a Question which may no less easily be decided by the Rules of the Gospel ; in a word, every Christian is oblig'd to acknowledg him for his lawful Prince, to whom he payeth Tribute. This is the Doctrine of our Saviour Jesus Christ, *Mark* xii. and *Luke* xx. the words of the Gospel are as follows ; ' And the Chief Priests and the Scribes the same hour sought to lay hands on him (but they fear'd the People) for they perceiv'd that he had spoken this Parable against them. And they watch'd him, and sent forth Spies, which should feign themselves just Men, that they might catch him in his words, and so might deliver him unto the Power and Authority of the Governor. And they ask'd him saying, Master, we know that thou sayest and teachest rightly ; neither acceptest thou the Person of any, but teachest the way of God in Truth : Is it lawful for us to give Tribute to *Cæsar* or no ? But he perceiving their Craftiness said unto them, Why tempt ye me ? shew me a Penny : whose Image and Superscription hath it ? They answer'd and said, *Cæsar's*. And he said unto them, Render therefore unto *Cæsar* the things which be *Cæsar's*, and unto God the things that be God's. And they could not take hold of his words before the People ; but marvelling at his answer, held their Peace.

Dr. Hammond's
Explanation
of our
Saviour's
Answer about
Tribute to
Cæsar.

Instances
amongst the
Jews.

For the better understanding of this Answer of our Saviour, I shall again make use of an Annotation of the Learned Dr. Hammond upon the 22d Chap. of St. *Matthew*, where he explains what the *Herodians* were, and what gave occasion to our Saviour to make this Answer. Of the *Jews*, some part, says he, acknowledged and adher'd to the *Cæsarean* or *Roman* Authority, some part look'd upon it as an Usurpation ; and of this generally were the *Pharisees*. This Difference or Controversy was thus occasion'd. About one hundred and fifty Years before the Birth of Christ the Government of *Judea* came into the hands of the *Zealots* or *Maccabees* ; among them *Judas Maccabæus* being in fear of *Antiochus*, enter'd into a League with the *Romans*, which continued about ninety Years. Then *Hircanus* and *Aristobulus* the Sons of *Alexander* falling into Contention for the Kingdom, and the younger Brother *Aristobulus* getting possession of it, *Hircanus* applied himself to the *Romans* for redress, and by *Antipater's* mediation besought *Pompey* (being then near) to come with an Army to his relief ; *Pompey* did so, and thereupon besieged *Jerusalem*. *Hircanus's* Party within soon deliver'd it up ; and *Aristobulus's* Party retir'd into that Part where the Temple stood, and *Pompey* storm'd the Temple, and took it, and so the City came into the *Romans* Power, and *Hircanus* was restor'd to the High Priesthood, and Kingdom of *Judea*, but so as to hold (as he obtain'd) it under the *Romans* Protection : which they did (those of them that were of *Hircanus's* Party) by Consent and not by Force, by a Choice which the Factions among themselves put them upon, and by way of dedition ; and so *Josephus* plainly saith of the *Jews*, that they had made a dedition of themselves : mean while they of *Aristobulus's* Party lookt upon the *Romans* as Usurpers, and forcible Possessors. And thus it continu'd till our Saviour's time ; and at this time some of each Party, *Pharisees* on one side, and *Herodians* (i. e. Followers of *Herod*) on the other, came unto Christ, meaning to ensnare him in whatsoever he said, and to take advantage, of him, either to inflame the *Pharisees* (who were the most eminent among the *Jews*) if he should say that Tribute was to be paid, or to bring him into danger of *Herod* and the *Roman* Party, if he should say 'twas not to be paid. And tho Christ's Answer be punctually in favor of the *Roman* Emperor, especially to those that took the Tribute to be his right, yet in Prudence he thought fit to give such an Answer as might best avoid the opposite danger.

After these things here alledg'd, you see that nothing can be more natural than to form this Argument : Every Christian is oblig'd to acknowledg him for his lawful Sovereign, to whom he pays Tribute. This is the express Doctrine of St. Paul ; therefore every Christian is bound to pray for those that are in Possession of the Government, as for their true Sovereigns.

There

There are but two ways to elude the force of its Argument : for either we must maintain that our Saviour argued like a Sophister, in going about to persuade the Jews to own him for their lawful Prince, to whom they were forced to pay Tribute, in case it be true that People may pay Tribute to a Prince, whom they ought not to acknowledge for their lawful Sovereign ; or else we must maintain that St. Paul hath engag'd Christians in Sin, by commanding them to pray universally for those to whom they pay Tribute, tho it may be such Men are in possession of Power, and receive Tribute, for whom they ought not to pray. This Consequence is evident and necessary, if it be true that the paying of Tribute be neither a lawful mark of their Sovereignty, nor a lawful Foundation to pray for them.

But you'll say, the conclusion of your Argument will lead us to confound a lawful Government with that which is unlawful, an Usurper with a rightful Sovereign. At this rate of arguing, tho we are convinced in our Consciences that such a one is an Usurper, and such a one our lawful Prince, we are forc'd according to your Argument to pray for the Usurper, and against our lawful Prince. That is to say, according to your sense, we are charg'd by St. Paul to commit immoral Acts, and are oblig'd to sin against God, that we may be obedient to St. Paul. And this is enough, say you, to discover the Sophistry of your Argument.

Why this is the very point, where I would fain have you. The Principle I oppose is, that it appertains to the Church to judg of the Title of those who are in possession of the Government, whether it be a rightful Title, or not ; whereas I maintain on the contrary, that it doth not in the least belong to the Church, to pronounce concerning the Title of those who are in possession of the Sovereign Authority. It follows from this Principle, that we cannot lawfully pray to God for any but those, whose Title to the Sovereignty we own to be rightful: And I maintain, that if this Conclusion, which is drawn from the Principle I oppose, be true, it is impossible for any Christian Church to subsist in any State ; and that consequently the Conclusion, as well as the Principle from whence it so naturally flows, cannot but be false.

I desire you, Sir, to take notice that I affirm it doth not belong to a Christian, as such, to examine whether he who hath the Power over a Society, possesseth the same by a just Title or by Usurpation. I acknowledge indeed that it is the right of the Society, and its Representatives, to examine this question ; but I flatly deny that it belongs to the Church, or to any of the People, consider'd as Christians, to discuss the Titles of their Sovereigns. Christians, in as much as they are Christians, are in a State in the same manner as Physicians, who in that Capacity have nothing to do to meddle with Affairs of State, tho they may take cognizance of them as they are Citizens. Affairs therefore of State must not be regulated by any but those who are call'd to the management of them. And forasmuch as the People are bound to submit themselves to the Resolution of their Representatives, the Church accordingly is oblig'd to own him for a lawful Sovereign of the State whom the Managers of the State own for such, by ordaining Tribute to be paid to him, and Prayers to be offer'd up to God for him, &c.

This is my Position, the Truth whereof I shall here set forth with a full and convincing Evidence.

First, Jesus Christ declar'd that Tribute ought to be paid to those, whom the greatest part of the Jews lookt upon as Usurpers (I mean the Roman Emperors) and who indeed had usurp'd the Power they themselves had formerly enjoy'd.

2dly, Our Saviour did plainly suppose, that the Prosperity of their Emperors ought publickly to be prayed for in the Temple, as was constantly done, to which the Zealots of the Jews oppos'd themselves ; for otherwise he ought rather to have join'd himself to these Zealots, and forborn entering into the Temple, in case he had not approv'd the Prayers there offer'd up for such Governors.

3dly, St. Paul thought that we are bound to pray for those that have the Authority in their hands, without ever making the least distinction between those that were possess'd of this Authority by a lawful or unlawful Title. Now where the Law doth not distinguish, it is plain that neither ought we.

4thly, It hath been the constant Practice of the Christian Church to pray for those that had the Sovereign Authority, without ever allowing themselves the Liberty to judg of the Validity or Invalidity of the Titles of those that were in possession thereof. This practice of the Church in all times and in all places, is so uncontested a matter of Fact, that we may defy any Person whatever to produce any one single example of a Schism that hath happen'd in the Church, on a pretence like to that

that on which they have form'd one of late, *viz.* where one Party of the Church maintain'd that they ought not to pray for a Prince in possession, because his Title was not lawful, and separated themselves from those that submitted to him that was in possession.

Christianity meddles not with Politicks.

It is visible that, according to the contrary Principle, if the Church had not only a Right to examine the Title of Sovereigns, but were also under an obligation so to do for fear of offering displeasing Prayers to his Divine Majesty in favour of an Usurper, it was of indispensable necessity for the Apostles to have made an exact draught of Politicks, fram'd according to the Nature and Rights of the Government, which they ought to have transmitted to their Successors in writing. It would have been necessary also in the Church, to instruct the Bishops, and all the Clergy, conformably to this Scheme of Politicks, to the end that they might afterward instruct the Church; and yet we do not find a tittle of all this neither in the New Testament, nor any other Books of Antiquity: Tho without this so necessary caution it cannot be imagin'd, but that a vast number of Schisms must have been form'd, by occasion of so many Revolutions that have so strangely chang'd the Face of Governments, from the time of our Saviour to this present. We must therefore of necessity own, either that none of the antient Christians ever thought of discharging a Duty so essential to the Christian Religion, in the most important Acts of Devotion, or that the Christians never believed that it was their business to examine the Rights of Sovereigns, much less that they were oblig'd so to do, to the end they might be in condition to offer their Prayers to God with a good Conscience.

Our Saviour's Rule the best.

I have told you, Sir, that the Christian Religion could never have been admitted, or have subsisted in any State, if our Saviour had given another Rule to his Apostles than that which he hath given them. And accordingly I intreat you to consider with your self a little, what would have become of the Christian Religion, if the Church had undertaken to examine the Titles of Sovereigns? Can you believe in good earnest, that ever she would have met with an easy entrance into the World, if it had been known, that those who preach'd it, entred into a State with a design and under obligations of examining the Titles of those who govern'd it, and with a design of charging upon the Subjects as their Duty an Inquiry of this nature? I am certain that we cannot meet with any thing like this, neither in the Writings of the Apostles, nor in the Writings of the antient Doctors of the Church, particularly in their Apologies, wherein they have refuted the principal grounds for which the Emperors rejected the Christian Religion, and proscribed it. Yea, I am very ready to be so just to those who are of the contrary Opinion, as to believe they would have more Prudence, than to make any such kind of Declaration to the *Indians* or *Chinese*, if they had a mind to go and preach the Gospel amongst them.

Absurdities upon the contrary.

But some, it may be, may be apt to persuade themselves that the Profession of the Christian Religion is the rather to be receiv'd upon this Condition of engaging Subjects to examine the Title of their Sovereigns and the whole State. For indeed it may be thought, what can be more advantageous to a Society or a Prince, than Souls of so tender a Conscience as are unwilling to pray for a Prince till they have discuss'd the point whether their Titles be lawful? But yet I know not whether they would have been able to make the Gospel to be received on those Terms. For 1st. It plainly appears that they must have left all those Countries, which from Monarchies were newly chang'd to Commonwealths, or the contrary. 2^{dly}. It appears that they would have been excluded out of any Country where a Prince had been depos'd, and another put in his place; forasmuch as they could not obey the Laws of an Usurper, nor own him by praying for him. 3^{dly}. They must, even in those places where the Government appear'd to them lawful, at their first entrance have declar'd, that their true Disciples would be always ready to withdraw themselves from under the Authority of the Government, as soon as any Change should be made in it contrary to their Scheme of a lawful Government, and that they would do their utmost endeavours to withdraw from the State all those that could not comply with this Change in the Government. This suppos'd, let them judg in how many places they could have got an entrance for the Gospel, clog'd with those Conditionals.

The Apostles concern'd not themselves in Politicks.

But there is something worse than all this; for by this jumbling of political Considerations about Government with the Doctrine of the Gospel, the Apostles would have been oblig'd at their first entrance to present the Governor of the Place a Draught of a lawful Government according to their Notion, to the end that

that the State might consider whether this political Scheme did agree with the nature of Government, as it is establish'd amongst the several Nations of the World. This is the Point whence they ought of necessity to have begun the preaching of the Gospel, for without this Christians could never be persuaded to offer up Prayers to God for the Governor of a State. In very truth, the Apostles would have seem'd a company of pitiful Men, for understanding their Commission no better, as having failed to leave us a good and ample Instruction in this most important Matter, and which was of so great Necessity, considering the vast number of Changes and Revolutions that have happen'd in Governments: whereas instead of using this Exactness, they have only simply and in general commanded us to pray to God for all the Powers set over us, but they never deign'd to acquaint us, either by their Conduct or Doctrine, that this was to be restrain'd only to such Powers as are lawful. But they will say, since you grant that a Christian and a Citizen are one and the same Person under different respects, How is it possible that after all this you should conceive that a Citizen, who is persuaded in his Conscience that such an one is a Usurper, may yet as a Christian, pray to God for this Usurper, as if indeed he were his lawful Prince? To this I answer, that a Man who embraceth any Principles contrary to the Constitution of a State, is very much to be pitied; and if besides he be so unhappy as to fill his Brain with Whimseys without any ground or probability of Truth, and takes pains to confirm himself in the same from Passages of Scripture misapply'd, he is still more incurable; because in this case he hugs his Error, as supposing it both honourable and meritorious.

But to answer directly to this Difficulty; I say that the Conscience of such a Person is most visibly Erroneous: For first, he judgeth in the quality of a Citizen, that such an one is an Usurper, for whom it is not lawful to pray; because, as he is a Christian, he admits a Doctrine and Principle, in consequence whereof he opposeth himself against the Determination of the State, which hath manifestly acted and judged according to other Principles. If he forms this Judgment as he is a Christian, then he attributes to himself a Right which God hath never granted to Christians as such; but if he judg thus in the quality of a Citizen and not of a Christian, he violates the Laws of a Society, which cannot subsist if every private Person be permitted to oppose his particular Judgment to that of the Publick, declar'd in the most solemn manner imaginable: the delusion of the Conscience of such a Person appears as evident to me as if a Man should have resolv'd to maintain from Scripture as a Doctrine of Faith, that the Sun goes round the Earth, and in consequence to this Principle should refuse Communion with those that believe the System of Copernicus.

How the Conscience of a Jacobite is erroneous.

I don't believe that those who represent the Body of the State are infallible in their Judgment: but seeing it is the highest Human Tribunal where these Questions, which concern the Right of those that pretend to the Government, can be decided; I assert, that if a Citizen hath a Judgment opposite to that of the State, either he must acquiesce in the Judgment of the State, or he must depart out of it, for fear of being made partaker of the Punishment which he believes God may inflict upon a State for an unjust action; yet after all, there is none but God can correct that which he hath reserved to his Government. This is that which Conscience must naturally dictate to a Man who listens to its Suggestions.

This being granted, I say in the second Place, that they who reason thus, and continue in the State whose Authority they do not acknowledg, do not follow their own Principles as they are bound to do: Suppose we therefore that they ought to separate themselves from their Brethren; forasmuch as in the quality of Christians they cannot join in those Prayers that offend their Morals, are they not as much oblig'd in the quality of Citizens to quit a Society, which they suppose to have violated the Fundamental Laws of the State, by raising an Usurper to the Throne of the Lawful Prince? The Obligation, if I be not mistaken, is as binding on this hand as on the other.

The Jacobites act not according to their Principles.

This is an ignorant flattering of our selves, to believe that we may lawfully preserve a Propriety in our Estates, by continuing in a State which we look upon as being in actual Rebellion against their Sovereign; for it is certain that the Possession of the Goods we enjoy as Members of the Society, is no further allow'd us than as we own the Authority whereby the Society doth subsist. We have no Right to them any further than as the Society allows us to enjoy the same, and that we own the Authority of the Rulers of the Society. The propriety we have in our Goods is not from a natural Right, but from a positive Right which cannot subsist but in

Our Civil Rights and Possessions are ours in owning the Government.

the Society. As soon as we quit a Society, which we do when we disown its Authority, we have no longer any Right to our Goods, and accordingly *ipso facto* they cease to be ours: And therefore a Stranger who is bound by his Oath to his own Prince, can possess nothing in a Foreign State; he hath no leave to trade in a strange Country any further than he submits himself to the Laws of the Society, and to undergo the Punishments which the Law inflicts in case it appear that he hath violated the Laws of it. This is the Doctrine of St. *Augustin* upon St. *John*, confirm'd by *Ives* of *Chartres*, *Epist.* 65. By what Right, saith he to the Donatists, do you keep possession of the Lands belonging to the Churches, is it by Divine or Human Right? The Divine Right is contain'd in the Scriptures, and the Human in the Laws of Kings: whereupon you perceive that whatsoever a Man possesseth, he possesseth it by a Human Right; but as to a Divine Right, *the Earth is the Lord's, and the Fulness thereof*. 'Tis by Human Right that any one saith this Land is mine, this House is mine, this Slave is mine. Take away the Right of the Emperor, and who dares say this Land is mine, this House is mine, this Slave is mine? Neither do thou say, what have you to do with the King; yea, what hast thou to do with this Possession? Don't say that thy Possessions are thine, for thou hast renounc'd Human Right, by which only one possesseth whatsoever he has; for if these things were establish'd by a Divine Law, it would not be in the Power of the Judges in some Cases to judg according to the Rigor of the Laws, and in other Cases more favourably. Nay, Sir, to reside only under any Government, makes a man subject to the said Government *ipso facto*; for otherwise a Stranger could not be justly punish'd for being guilty of High Treason against a Prince whose Subject he is not.

I have said thus much to remove a Delusion some put upon themselves in this Matter, for want of due consideration, imagining that they may lawfully enjoy their Estates, without owning the Authority of those that govern the State; and that they satisfy their Consciences by refusing to pray for them, when indeed they do own their Authority, by having recourse to those Laws and Magistrates who secure the enjoyment of their Possessions; the Magistrates who execute the Laws, having no other Authority than what is deriv'd from those that actually govern the State.

*Absurdities
in the Ja-
cobites
Principles.*

Is it not strange, Sir, to see Men for the preserving the possession of their Goods persuade themselves, that by their not praying for him whom they look upon to be an Usurper, they have done enough to satisfy their Conscience? It is every whit as much a Duty to pay Tribute to the Higher Powers, and a Duty to which Conscience obligeth us (as St. *Paul* expresth it, *Rom.* 13. 3, 4, 5, 6.) as it is to pray for them; for neither can the Peace of a Nation be kept without Arms, nor Arms maintain'd without Salaries, nor Salaries of Soldiers without Tribute. Thus *Tacitus* explains the Justice of Tributes.

Query.

If therefore you do not believe the Authority to be lawful, why can you pay Tribute which is exacted to maintain this unlawful Authority? Is not this to imitate the Conscience of the Jews, whom our Saviour reproves for having deny'd the Power and Authority of *Cesar*, at the same time when they acknowledg'd that they paid Tribute to him? You will say we are active in praying for an unlawful Authority, but we are only passive in paying Tribute, because that Authority forces us thereto by ways we cannot oppose, as wanting Power so to do. See here a subtle piece of Divinity: According to these Principles when St. *Paul* orders us to pay Tribute to those to whom Tribute is due, he doth not command Subjects to be active in paying Tribute, but only to be passive by suffering it to be taken from them by force. What is the meaning of a Tribute, save only a Contribution that is rais'd to maintain the Authority that governs us? Is it not therefore as positive an act of the Subject, as the Honour he renders to whom Honour is due? But besides, if this Answer be satisfactory, it hath this little Inconvenience, that it furnisheth the Jews with an Answer to our Saviour's Argument: The Pharisees were reduced to silence, because they did not conceive it to be a sufficient justification of themselves to say to our Saviour, *Cesar* forceth the Tribute from us, we are only passive in paying it. Had they been acquainted with this distinction, they would have stop't our Saviour's Mouth; without doubt the Pharisees were not in any condition to make resistance, which oblig'd them to pay Tribute: but the action of paying Tribute to him whose Authority they disown, was sufficient to condemn them, which accordingly also put them to silence. Our Saviour is still the same Judg as he was formerly with respect to the Jews. The Maxim of Jesus Christ is, that we must own him for our lawful Sovereign to whom we pay Tribute,

Tribute, and who is possess of the Publick Authority, as appears by the stamp of Current Mony.

I know that some may take occasion to raise a Dispute here, because the learned Dr. Hammond, when he explains those words of the 13th of the Epistle to the Romans, *Let every Soul be subject to the higher Powers*, understands it of Sovereigns that are rightly establish'd and constituted, and of Supreme Governors legally plac'd in that Kingdom. Whence it follows that we are not bound to pay Tribute to those who have none of this Character, Conscience only obliging us to pay Tribute to such, who being lawfully constituted, may and ought to be consider'd as God's Ministers. But I desire you to consider; *First*, That according to Dr. Hammond's confession, St. Paul's Design was to oppose the Doctrine of the Gnosticks, who believ'd that a Heathen could have no lawful Authority over Christians, and made the Liberty of the Gospel to consist in this Maxim, according as Dr. Hammond explains himself on the 8th Verse of St. Jude's Epistle. *2dly*, That the Apostle St. Paul doth not give any Right, nor impose any necessity upon every Christian to oppose his Judgment to the Sentiment and Determination of the State, about the Right of the Sovereign that is placed on the Throne; but that he hath wholly left it to the Estates to determine who are their true and lawful Sovereigns; and that he hath imposed a necessity upon Believers to pay Tribute to all those that are own'd to be such, as a thing that is their due, forasmuch as they are the Ministers of God. For if we conceive the thing otherwise, St. Paul must have engaged the Christians to examine the Title of such as are invested with the Government, to judg whether it were lawful or no, and this even after that the State had own'd them as lawful; the Roman Senate having originally had the Right of naming the Emperors, as we see by the several Elections they have made, as well as by those it hath approv'd, when the Armies had prevented its Choice. And by this means the Christians would have been dispensed with from paying Tribute to all those who had invaded the Empire, or who had not obtain'd the Approbation of the Senate for their Election made by the Army; or else would be oblig'd to perform, without any regard to Conscience, an Act whereof the Apostle would have Conscience to be the Principle, as being founded upon an Emanation of the Authority of God himself.

Dr. Hammond's
Opinion
vindicated.

I comprize here in a few words the force of St. Paul's reasoning. St. Paul commands Christians to pray for the Sovereign Powers of the State where they live; he orders them to pay the Tributes that are necessary to maintain their Domination, and to exercise their Authority. He grounds both these Duties upon the Obligation that lies upon us to wish all possible good to those who are the Conservators of the Society in which we live, and to contribute to the Safety and Security the Church enjoys under their Protection; so that he supposeth that these two Duties with regard to the Sovereign Powers are inseparable. If you cannot in good Conscience pray for the Sovereign Powers, which the Body of the State owns for such, then neither can you in good Conscience pay them any Tribute; and on the contrary, if you can in good Conscience pay them Tribute, which is design'd to maintain their Domination, you may with as good a Conscience pray for their Prosperity.

The Force
of S. Paul's
Resolution.

But this I suppose is enough, Sir, as to the first Article of the Question you have proposed to me: I have by the by touch'd upon the second; which I am now willing to examine more carefully, because I perceive that Examples often have as great an influence upon the Spirits of Men, as the strongest and most decisive Arguments.

To be assur'd how the Primitive Christians behav'd themselves, who could not but be acquainted with the Practice of the Apostles and their Successors, we need only to take notice of the Terms of their Liturgies: which the learned Dr. Hammond hath quoted in his Annotations on the 2d Chap. of the first Epistle to Timothy. Of these four sorts of Prayer 'tis affirm'd by St. Chrysostom, that they were in his Time all used in the Church, ἐν καθημερινῇ λατρείᾳ, in the daily Service, καὶ τὸ τοῦ ἱεροῦ, ὅτι πάντες οἱ μυσταὶ πᾶσι, καθ' ἐνάσιον ἡμέραν γίνεται καὶ ἐν ἐκπέρα καὶ ἐν πρωΐᾳ, and this is sufficiently known to all the Priests, or those that officiate Morning and Evening. And so it appears by the Liturgies. The word δεήσεις referring to the larger or lesser Collecta, that in the Litany for deliverance from all the Evils there named; and the other after, in which the Phrase τὸ κυρίῳ δεησώμεθα, we humbly beseech thee, O Father, is used, which is for the averting of Evils. The second to the Prayers for Mercy and other Wants. The third to the αἰτήσεις, wherein the word αἰτησώμεθα, let us pray for the whole State of Christ's Church, for Kings, &c. is inserted. And the fourth to the Solemn Thanksgiving for all Men, and to the Hymns sung

Behaviour
of the Pri-
mitive
Christians.

fung to the praise of God. And it may be observ'd that the direction here of praying for Kings, &c. is agreeable to that of the *Hebrews*, *R. Chaninath in Pirche Aboth*, C. 3. S. 2. *Pray for the Peace of the Kingdom, for unless there be fear, men will devour one another alive.* And so when *Petronius* came to set up *Caligula's* Image in the Temple, they that would die rather than that should be done, being ask'd then whether they would wage War with the Emperor, answer'd, No; but on the other side, twice a day they offer'd Sacrifice for the Safety of the Emperor: see *Josephus*, and *Jer.* 29. 7. Accordingly was the Christians Practice, as long as the Emperors continued Heathen, praying in their Liturgies ὡς βασιλέων for Kings; after when they were Christian, δεόμεθα ὡς τῶν εὐσεβεστάτων καὶ θεοφυλάκτων βασιλέων, *We pray thee for our most pious Kings, Defenders of God, or of the Faith of Christ*, as it is in *St. Chrysostom's* Liturgy; and that ὡς κράτους, νίκης, διαμονῆς, εἰρήνης, ὑγείας, σωτηρίας αὐτῶν, for their Power, Victory, Continuance, Peace, Health, Safety. The very things which they pray'd for them, when they were yet Gentiles, saith *Tertullian* in *Apol.* *Sine monitore precamur pro omnibus Imperatoribus vitam illis prolixam, Imperium securum, domum tutam, exercitus fortes, Senatum fidelem, populum probum, orbem quietum; We pray for a long Life to our Emperors, a secure Empire, a safe House, valiant Armies, a faithful Senate, a good People, a quiet World.* This was after done for *Arrian* and Heretical Kings, as *Constantius*, παρακαλῶμεν τὸ θεὸν ὡς κοινῆς τῆς ἐκκλησιᾶς εἰρήνης, ὡς καὶ τῷ κόσμῳ εὐσταθείας ὡς βασιλέων, ὡς ἐργαζομένων, καὶ συμμαχοῶν, saith *Cyrillus*, *Cat.* 10. *We beseech God for the common Peace of the Churches, for the Quiet of the World, for our Kings, their Soldiers and Auxiliaries.* Thus far the Learned Doctor.

Antient Liturgies.

Accordingly I desire you to take notice,

1. That this was a set Form, in which nothing might be chang'd, except only the Name of him that was rais'd to the Throne.
2. That it doth not appear by any Record of the Church, that the reading of these Prayers was ever suspended in any Case whatsoever.
3. That there never arose any Controversy in the Church, about what Emperor they were to pray for; the Church always acknowledging him to be Emperor, who had that Title in those places where 'twas settled.
4. That there never happen'd any Schism on this account, during all the manifold Revolutions of the Empire.
5. That there never was a Canon of Council made to regulate the Penance that was to be impos'd upon those that had pray'd for an Usurper against a lawful Prince.
6. That it doth not appear that ever any Heathen Emperor persecuted the Christians of one Country, for having prayed for him who had usurp'd the Empire in the places where they lived.
7. We do not find that ever any Christian, in his Commentaries upon the Scripture, hath taken notice that it was the Belief of the Church that they ought to make a distinction between an Usurper of the Empire, and a lawful Emperor, before they made Prayers for him.

Instances of the Christians under M. Antoninus.

Would you have some Examples to evidence to you the Truth of these Observations? *Cassius* in *Syria* revolted against *Marcus Antoninus* the Philosopher, at the Solicitation of *Faustina* the Emperor's own Wife: And upon the News that was spread abroad, that *Mark Antonine* was dead, he usurp'd the Absolute Power that had been confer'd upon him by the Army which was in *Pannonia*: But this news of the Emperor's Death being found to be a Mistake, he notwithstanding carry'd on his Pretensions, and made himself to be own'd Emperor by the Provinces of *Cilicia*, *Syria*, *Judea*, and *Egypt*. Do you believe, Sir, that the Christians of those Provinces did continue to pray publickly for *Mark Antonine*, and that they refus'd to pray for *Cassius* in their Publick Service? If they had done so, they must have expos'd themselves to the Persecution of *Cassius*; or if they did pray publickly for *Cassius*, they must thereby have separated themselves from the Communion of those Christians who lived under the Empire of *Mark Antonine*. But where do we read that *Cassius* persecuted them for not owning his Authority; or that ever they were excommunicated by the other Christians for having prayed for *Cassius* who was an Usurper?

Tertullian's Opinion.

Do not imagine, Sir, that *Tertullian* doth oppose what I here assert, when he saith in his *Apology*, that never any Christians were found to be *Cassians*, *Albinians*, *Nigrians*; as if the Christians who liv'd in those Countries where *Cassius*, and afterwards *Albinus* and *Niger* had revolted, the first against *Mark Antonine*, and the other

other two against the Emperor *Severus*, had refus'd to pray for these Usurpers, and had always in their publick Service pray'd for *Mark Antonine*, and for *Severus*: but his Design only was to assert, that never any Christians had a hand in these Conspiracies, which were always carry'd on by Heathens only. And for the rest he sufficiently intimates, that they never concern'd themselves with examining the Title of those who were in possession of the publick Authority, when he saith, speaking in the Name of the Christians; *Nobis nulla res magis aliena, quam Publicæ, unam omnium agnoscimus Rempublicam Mundum*: that is, no matters are greater Strangers to us, than those of the publick; we are not much concern'd for any other Commonwealth besides the one great Commonwealth of the World.

Do you believe, Sir, that the Christians of the *East* pray'd for *Aurelian*, whilst they were under the Power of *Zenobia* Wife of the Emperor *Odenat*, whom *Galienus* the Emperor had associated in the Empire, and whose Right she maintain'd in favour of her Children, against *Aurelian*; or that after the Defeat of *Zenobia* by *Aurelian* they refus'd to pray for him, under pretence that *Zenobia*, and her Children, for whom they had pray'd before, had their lives given them by the Emperor? Did not the Fathers of the Council of *Antioch* acknowledg the Authority of *Aurelian*, as soon as he had vanquish'd *Zenobia*, by petitioning that Emperor to drive away *Paulus Samosatensis* from his Episcopal Mansion, which they could not obtain of *Zenobia*, who had supported him in opposition to their former Judgment?

Christians
their Beha-
viour under
Zenobia.

Can you imagine that ever the Christians concern'd themselves to interpose their Judgment in opposition either to the Senate, or the Army, when the Army having nominated an Emperor in the *East*, the Senate nominated another in the *West*? as it happen'd after the Death of *Aurelian*; and that they pronounc'd which of these two was the lawful Emperor, to the end that they might lawfully and of right pray for him, in refusing to pray for the Usurper? Or do you believe that the Christians of *Africa* did not pray for *Alexander*, who had caus'd himself to be proclaim'd Emperor there; or that those of *Rome*, and the Dependences of it, did refuse to pray for *Maxentius* during the five years wherein he possess'd the Sovereign Authority there?

For my part I must own, that I cannot conceive, but that, if the Christians had refus'd to pray for those whom they consider'd as Usurpers, this their refusal would have rais'd a Persecution against them, from those who had usurp'd the Empire; or why those who have transmitted the Memory of the Martyrs of the Church, have not made mention of any that suffer'd because they refus'd to pray for an Usurper, being by this means Martyrs, both of Jesus Christ and of the Title of their lawful Emperors. Neither can I any wit better conceive how or by what means the Christians always exactly agreed about the Title of their Emperors, when the People, the Soldiers, and the Senate have been frequently divided in their Sentiments about it. And if ever the Christians were divided in their Opinions about this Matter, in the several Provinces of their Settlement, how is it that never any Schism happen'd amongst them; and if ever there were any, how is it that the Ecclesiastical Historiographers, who have given us an account of the several Schisms, have never mention'd any that was occasion'd upon this Account?

Refusing to
pray, a
ground of
Persecution.

If you suppose that the Christians were in so-obscure a Condition before *Constantine*, that the Heathen Emperors did not mind their Prayers, provided they did but pay their Tribute, and that accordingly they might pray for their lawful Emperors, under the Noses of the Usurpers: at least you cannot imagine any such thing to have been since 333. when *Constantine* had brought the Pagan Religion to truckle under the Christian, and had given the Christians all the Advantage of a Publick Worship. After that the Emperor *Constantius* was kill'd, *Magnentius* made himself Master of the *Gauls* in *Illyria*; *Vetranio* takes to himself the Imperial Purple; *Nepotianus* causeth himself to be proclaim'd *Augustus* at *Rome*, and twenty eight days after his Coronation was defeated by the Army of *Magnentius*, by which means *Magnentius* continu'd Master of *Africa*, *Italy*, and the *Gauls*: Do we read any where that the Bishops of the *Gauls*, *Italy* or *Africa*, ever refus'd during the three years of the Reign of *Magnentius* to pray for him? When *Julian* took upon him the Purple of the *Gauls* in 360. in spite of *Constantius*, did the Bishops of the *Gauls* thereupon refuse to pray for him till after the Death of *Constantius*? When *Procopius* made himself to be declar'd Emperor at *Constantinople* in 365. do you read that the Christians of *Constantinople* did ever think of refusing to pray for him, or that any were excommunicated for praying for him, during the year of his Reign? When *Eugenius* invaded the *Gauls* after his having kill'd *Valentinian* the younger, did not the

Behaviour
of Christi-
ans under
Constan-
tine.

the Bishops of the *Gauls* make publick Prayers for *Eugenius* for the space of two years and more? When *Gildo* in the year 396. possess himself of *Africa*, did not the Bishops of *Africa* for a whole year together make any publick Prayers for him, because forsooth he was an Usurper? When *Constantius* seiz'd the *Gauls* and *Britain* in 407. and continu'd in possession of them till 411. did the Bishops of *Great Britain* and the *Gauls* pray all this time for *Honorius*, without praying for *Constantius*? When *Alaric*, after he had taken *Rome*, made *Attalus* to be chosen Emperor in 409. did any refuse to pray for him in the Countries under his Subjection? When one call'd *John*, caused himself to be proclaim'd Emperor at *Rome* and in the *West*, against the Emperor *Valentinian III.* can any one shew us that the Christians refus'd to pray for him, during the year that he was in possession of *Rome*, and divers other Provinces of the *West*?

Licinius
is oppos'd
because of
his persecu-
ting the
Christians.

Should I go about to run over all the History of the Church and Empire, I could every where make it appear, that this was ever the Behaviour of the Christians in these cases, but because I am to confine my self within the Bounds of a Letter, I shall tie my self to four Examples, which will be sufficient to make you judg of the rest. The first is taken out of the History of *Constantine* the Great, who oppos'd *Licinius* his Brother in Law and Colleague in the Empire, for no other reason but to put a stop to the violent Persecution which *Licinius* had rais'd in the Empire of the *East*, which was his part. How did the Christians behave themselves after that *Licinius* was overcome and forc'd by *Constantine* to betake himself to a private Life? Did they refuse to pray for *Constantine*, under pretence that *Licinius* the Father was yet alive? Or did they continue to pray for *Licinius* the Father, or *Licinius* the Son, whom his Father had declar'd *Augustus*? I know no body that was capable of such a preposterous Behaviour, save only *Eusebius* of *Nicomedia*, who had all along been a great Favourer of *Licinius* against *Constantine*. All the rest of the Christians were overjoy'd at this Revolution, and the Nicene Council blessed God, and order'd publick Thanksgivings for it.

Instances
under Max-
imus.

See here another Example, which I would desire you seriously to consider. The Emperor *Gratianus* having been assassinated by Count *Andragalbius*, *Maximus* thereupon invaded *Britain*, the *Gauls* and *Spain*, and was there proclaim'd Emperor. Do you suppose that the Churches of these three Great Provinces of the Empire of the *West*, did continue to pray for *Valentinian*, whom *Gratian* had associated in the Empire, and that they refus'd to pray for *Maximus*? Or do you imagine that any Schism happen'd amongst the Christians of these three Provinces upon this Occasion? True it is that there happen'd a Schism between the Churches of *France*, the greater part whereof refus'd to communicate with those Bishops, that had employ'd the Authority of *Maximus* for the punishing of *Priscilian*, so great an Enmity did this Church at that time bear against all Persecution; but we do not read that the other Bishops divided themselves, some of them thinking themselves bound to pray for *Valentinian*, and others for *Maximus* the Usurper. Let any Man read over the Monuments of those times, and he shall no where find any the least Instance that the Christians of *Great Britain* did follow any other order in their Prayers, than the *Gauls* and *Spaniards* did.

No Commu-
nion with
Persecu-
tors.

Instances of
Phocas.

If ever there were a just Occasion to refuse to pray for an Emperor, it was then when *Phocas* invaded the Empire, and usurp'd it from *Maurice*. The barbarous Cruelty which he us'd towards that Emperor and four of his Children, cannot be read without Sorrow; *Theodosius* the Son of *Maurice*, whom his Father had declar'd *Augustus*, had escap'd the Massacre.

Well, do we find that for all this the Church refus'd to pray for *Phocas*? They who will read the 38th Epistle of the XI. Book of the Pope that then was, may judg whether the Church of *Rome*, in the name whereof *Gregory* writes to *Phocas*, after his Accession to the Empire had been signify'd to the Church, and to the *Roman Senate*, made any difficulty to pray for *Phocas*, whom all succeeding Posterity have consider'd as a great Tyrant.

I could easily make it appear that the same Maxims have been follow'd by all the Kingdoms of the *West*, which were rais'd from the Ruins of the *Roman Empire*; but it will be sufficient to alledg only the Example of *France*.

Disputes
about Chil-
deric's De-
position.

Some years since a great Question hath been started between Father *le Cointe*, and the Doctors of the Court of *Rome*. The latter contending that the *Franks* did not deprive King *Childeric* of the Royal Title, but by the concurring Authority of Pope *Zachary*; whereas Father *le Cointe* rejects this Opinion for a mere Legend, main-

maintaining that the Deposition of *Childeric* was perform'd by the sole Authority of the States of the *Franks*. See here what *Papebrocius* writes to prove that it is not improbable, that Pope *Zachary* never so much as consented to this Deposition, because the whole Body of the Nation judg'd it just and necessary. 'For it was no new thing, saith he, for the *Franks*, when they had dispatcht any of their Kings or thrust them into Monasteries, to substitute others in their Room, such as were indeed of the *Merovingian* Line, yet not always those that were the next Heirs in a right Line of Succession; as is evident to any one, that reads the History of *Gregory of Tours*, stuf't with Royal Tragedies and Revolutions, wherewith the Popes never concern'd themselves, or enquir'd into the Right and Title of those in Possession of the Throne, by what means soever they got to it. And when ever did the Patriarchs of *Constantinople* refuse to crown, or the *Roman* Bishops to own those Emperors, which Fortune any way soever offer'd to them? For seeing none of the Bishops, nor of the Abbots, nor any of those Persons, who at that time were accounted famous for their Learning and Sanctity, did oppose the Elevation of King *Pippin*, if Pope *Zachary* had undertaken to oppose it, his Opposition would have been to no purpose against such an unanimous Resolution of the whole Kingdom, already executed; and to which nothing was wanting save only the Ceremony of the sacred Unction or Coronation. The Reason of my alledging *Papebrocius*, that famous Compiler of the Laws of the Saints, is only to let you see, how true the Matter I have here advanc'd is, *viz.* That the Church never at any time refus'd to pray for those, who have been own'd by the Body of the State, and that the Christians in all Ages have been infinitely estrang'd from that Maxim whereon some Men do now build the Schism we deplore, *viz.* That it belongs to the Church to judg who is the lawful Sovereign, and that she can and may consider him as an Usurper, who is own'd by the State; and that its Members ought to refuse to pray for him, and to separate themselves from those who do, as from Persons that openly violate the Laws of God, and the Obligations of Conscience; which I heartily wish these Gentlemen may take into their serious Consideration. I am, &c.

Reflections upon the late famous Petition of the Common Council of LONDON, and the Well Timing of it, &c. Printed in 1691.

THERE is all the reason in the World to be assur'd, that the grand and most capital Enemies of this Kingdom are now at work; and that they are labouring to undermine and subvert all the Pillars that support the Peace and Welfare of the Nation. These Men cannot endure to behold such Persons in Authority, as they well know to be Obstructors of their Designs. How these Men labour'd formerly tooth and nail, by their diligent and illegal canvassing at the Elections for Magistrates of this City, to favour the arbitrary Courses of the Court at that time, and what the fatal effects of their Choices were, is still too fresh in Memory to be forgot. Nothing would serve their Turns but Lord Mayors, that contrary to the Rules and Maxims of Truth and Honesty, would yield a slavish Compliance to the Violences and Usurpations of the two preceding Kings upon their Religion and Liberties. Nothing would please them but Sheriffs, to pick and cull out Jurymen, by their partial Verdicts to authorize the Murders of good Men, by Perjury and Subornation: And all this to promote the Intrigues, and prosper the leud Contrivances of those that sought the Destruction of their Laws, their Liberties and Religion.

Now that the same Designs are still carry'd on, is plainly evident from hence, that the dormant Plotters of the Nation's Ruin still make choice of the same Tools and Instruments which they made use of before: Some that stand recorded still in sundry Trials, for offering up those Sacrifices to arbitrary Power, that were so barbarously

Jacobite
Design carry'd on still.

barbarously innuendo'd to the Ax or Gibbet: Others that so fawningly and ignominiously contributed to the Surrender of the antient Rights and Franchises of the City, with no less Treachery to their Posterity, than Infidelity to their present Trust. Such a Spirit of Jacobitism, not to be exorcis'd by all the Force of common Sense and Reason, possesses these People even to Fury and Frenzy, fascinated withal by the plausible Insinuations of those Non-resistance and Passive-Obedience Gentlemen, that act against the very Doctrines which they so loudly trumpet forth themselves; as if it were unlawful to resist King *James*, but lawful to plot and conspire against K. *William*. And yet what they can see in their abdicated K. *James*, that should draw their Affection and Obedience toward him with such a Magnetick Violence, is that which surpasses the Understanding of all intelligent Men. So that if Justice and Moderation in Rule, if Courage in the Field, and Tenderneſs toward the People, if Prudence in Conduct, and a sedulous Care of the publick Welfare, all which are eminently conspicuous in King *William*, be the Characters that denote a good Prince, there is nothing of this, as their own Experience has found, that is to be discern'd in King *James*, but all quite the contrary. So that most certainly, there never was a more unlucky Act, either of Ignorance, or Folly, or Madness, committed by a hundred and eighteen Persons, pretending to be rational Creatures, than to expose themselves under their own Hands, for Fools and Knaves to all *Europe*. And that which seems most ridiculous, is their setting their chief *Nicodemus* in the *Van*.

For this Design is so laid, as not to be confin'd within the Bounds of *Great Britain*; it extends its intended Influences upon all the present Emergences of a fourth part of the World, in such a critical Conjunction of Affairs, as History can hardly parallel. For *Europe* is now either to break the Fetters which are preparing for her by an ambitious Monarch, or else to see herself loaded with the Chains of Gallick Servitude to Perpetuity. And by an auspicious Act of Providence, to the Astonishment of History, his present Majesty of *Great Britain*, united with his Parliament of *England*, is, under God, the chiefest Comfort of her doubtful Hopes. The Confederate Princes look upon his miraculous restoring of *Great Britain* to her antient Liberty, to be a Testimony that Heaven has farther design'd him to deliver *Germany*; and derive a most probable Omen from his speedy Triumphs in *Ireland*, that the *French* will be as unable to withstand him upon the *Rhine*, as they were at the *Roine*.

While all *Europe* remains in this Suspence, and full of Expectations from *England*, what may we think of those that toil and moil to obstruct a Design so gloriously transcendent, upon the good Success of which depends not only the Peace and Welfare of all *Europe*, but the eternal Honour and Glory of their own Nation? Can those short-sighted Common-Council-Men then, that labour to obstruct it, take it ill to be accounted *Rapparees*? Or can those Passive-Obedience and Non-Resistance Gentlemen, that make it their business to impede it, be offended, if they are not look'd upon to be so much as Christians, while they take part with the *French*, in League with Infidels, to share the Spoils of *Christendom*?

However this is the Godly Protestant Design afoot, and the Petitioners are made the Tools and Cullies to drive it on: Unhappy in this, that they who spur 'em forward, get all the *Louidores*, while they are forc'd to drudg for nothing; no, not so much as a Treat at the Tavern. And there is another Misfortune that attends them, that it is their Interest to be accounted rather Fools and Madmen, than Persons of Wit and Discretion: For should the World be so uncharitable, as to believe them truly sensible of acting for *Lewis XIV.* as they do, under the pretences of being good Subjects to King *James*, the Scandal would be much more fatal to their Reputation. And indeed if this Consideration do not retrieve 'em speedily from their Mistake, the consequence naturally flowing from their Perseverance will be, that like those who set them on, they will be concluded Traitors to their Country. The *French* King was sure of King *James*; but he being gone, his Hopes are now in the Common-Council of *London*. His Majesty wants a Supply to answer the Expectations of all *Europe*; and *Lewis XIV.* can find no other way to obstruct their generous Proceedings, than by an unseasonable Petition of the Common Council of *London*, and bringing the petty Brabbles of Wardmotes before the Parliament, to interrupt the Grand Affairs of *Christendom*. Certainly these Petitioners cannot chuse but know, if they understand any thing, that it is both the Design and Interest of the *French* King to restore King *James* to his abdicated Throne, if he can, as knowing him to be a sure Card in his Pack. They cannot but apprehend, if they have common Sense, that *Lewis XIV.* hugs *James II.* and compassionates his Misfortunes, not for any Esteem that he has for his Person, but under the Pretence of assisting the

Obstruſing
of Supplies
aimed at.

the Catholick Religion oppressed in *England*, and a Catholick Prince that has forfeited all his Rights of Sovereignty, to foment and cherish Faction and Division in a Country, where he dreads nothing more than their united Force against him. They cannot be so ignorant as not to be assur'd, that there can be nothing more to the Advantage of *France*, considering the present Crisis of her Affairs, than a well contriv'd Confusion in *England*. Yet these are the Men that pretend to be such Minions of the Church of *England*, the Cream of Protestantism, the only Men of Honesty and Loyalty: These are the Men that suffer themselves to be led by the Noses, and made the Tools and Instruments in the Hands of Popish Prostitutes, and Mothy Protestants, to carry on the detestable Designs of those, who having once already laid the City in Ashes, as the great Obstruction of their Blessed Machinations, would now again inflame it with Combustions of another nature; tending nevertheless with an equal Ardency to *Palatinate* Ravage and Depopulation.

Church of England Men promoters of it.

Now then as to the little Engine made use of to unhinge, or at least retard the united Counsels of the King and Parliament, it is call'd, *An Humble Petition of the Members of the Common-Council of the City of London, thereunto Subscribing.* Wherein are to be consider'd the Timing of it, the Grounds of the Complaint, the Persons complain'd against, and the Persons that complain. As to the Timing of it, the Promoters of this Petition no less understand than *France* is well assur'd, that if *England* recover her Pristine Glory, she must fall; and that her *Flower de Lucas*, that have so long overshadowed *Europe*, must give way to King *William's* Laurels. *France* contends for an unjust Empire, and to wrest from the Hands of many Sovereign Princes, in the quiet Enjoyment of their antient Inheritances, a Universal Despotick Monarchy, to gratify her Exorbitant and Boundless Ambition. And to compass this Design, he tramples upon all the Laws of God and Man; omitting nothing that Impiety and Contempt of Heaven can infuse into his Breast. On the other side, King *William*, with a Generosity far surpassing that of the antient *Hero's*, so famous for subduing the Tyrants and Destructive Monsters of those Ages, makes it his sole Business to reduce this Monster of Men to Reason, and thereby to restore Tranquillity and Freedom to all *Europe*, as he has already done to his own People: An Undertaking altogether Vertuous, altogether God-like. The Parliament applaud His Majesty's Design, and unanimously concur to furnish him with Supplies proportionable to so great and so expensive an Enterprize. But in the midst of their Important Debates, an impertinent Petition must be clap'd into the House to give a Check to their conspicuous Industry for the good of all Christendom, now making her last Efforts to rescue her self from perpetual Bondage. Was this a Time to trouble the Parliament with City Quarrels and Disputes about inferior Elections, when the general Welfare of *Europe* lies at Stake? So that had it only been the distressed Duke of *Savoy's* single Relief, it had been worth a Hundred of those petty Controversies.

The timing

But this was not all, for the Promoters of this Petition seem to be Men that lov'd to Nick a Business; and therefore believing there would be a sudden Recess of the Parliament, in regard of His Majesty's speedily intended Voyage for *Holland*, they thought it most proper to interrupt the sedulous Consultations of the House for the King's Supply, when they conceived them to be most severely pinch'd for time, and that it behov'd the Commons to improve every Moment for the King's Business. For by this means they imagin'd they should find so much Work for the Parliament, that they should not be able to compleat the King's Supply before he went into *Holland*; and by that Artifice to frustrate, or at least retard the King's intended early Preparations. And this is so agreeable to the Mutinies and Interruptions of the same Persons, when conven'd but the last Summer to supply Her Majesty with Mony to reinforce the Navy with Ships and Men against the *French*, then hovering upon our Coasts, that it may readily be concluded to be a Contrivance of the same Head-pieces, and for the same Treacherous ends.

King *Charles* the II. brought a Justice of Peace upon his Knees in Council, notwithstanding the Pleas of his Father's and his own Loyalty, for committing an Excise-man too severe perhaps in the Discharge of his Duty; and his Reason was this, because the Gentleman obstructed the gathering of his Revenue: But much more justly do these Men deserve the King's Displeasure, that go about to stop the very Springs of speedy and necessary Supply, at such an Important Conjunction as this. There is a small Treatise lately published in *French*, under the Title of *the Empire and Emperor betray'd*, wherein the Author makes it plainly appear, what Tricks of Legerdemain the *French* King practis'd to retard and disappoint the Emperor's Preparations

The French King's practices to obstruct early Supplies every where.

Preparations against him. And in the Life of the Duke of Lorrain, now lately printed, it is but too notoriously remarkable, how that Renowned General lost the Advantages of a whole Campaign, in regard his Officers refused to give *Crequi* Battel, which he had always declin'd till that fair opportunity, because Supplies of Mony, and other necessary Provisions, retarded by Artifices and Tricks of the French, were never sent, as they ought to have been, to the Imperial Army; of which the Duke himself made loud Complaints upon his return to Vienna. Now certainly the French King is still *Lewis XIV.* But in the mean time 'tis a great Honor to the Subscribers of the Common Council Petition, that they have no Motion, but what they derive from the Wheels of France. And indeed were not these things most obvious to common Sense, and the long Experience of the two late Reigns, our subscribing Members of the Common Council might object and say, they were not born Politicians: However tho'tis believ'd there are very few will object against their Objection, yet the very Instinct of self-preservation common to Beasts, would instruct them better, than to act for the common Fo of Mankind, because he happens to be a self-ended Friend to King James.

What further use they would have made of this nick of Time, may be readily conjectur'd; for some believe that they hop'd for great Alterations in the City upon their subscribed Petition, and then they would have had the World in a String. They would have had all the Chief Magistrates of this City of their chusing, and then all things would have gone right for King James and King Lewis. For at this time their Interests are not to be separated. King Lewis is at this time endeavoring to relieve *Limerick* in Ireland with Arms and Provisions, and therefore it behoves the Subscribers to observe his Motions, and bustle in time to support his Contrivances in England. The Critical Conjunction requires it; *aut Nunc, aut Nunquam.* Their unnecessary Cavilling and Wrangling to disappoint the Supplies that Queen Mary demanded when the French were at our Doors, and their Invasion every Hour expected (and after such a Disappointment as that of the Cock-pit Match, it was as much as Men could do) was a nicking act of time: And this same Sympathizing Brangle of a Petition to disappoint His Majesty, and consequently the Expectations of all Europe, was another nicking of the true Minute; a seasonable dragging of Time by the Forelock, with his Sithe to mow down all the fair Opportunities of making the Nation both Happy and Glorious. So that if we consider the Time, we shall find these Subscribers so punctual to King Lewis, that if they had been his Clock-makers, or his band of Violins, they could not have observ'd his Measures more exactly.

Jacobites
talk confidently
of
K. J. his
return.

And this Assurance, that they have Instruments so punctual to their Time, is that which makes the Jacobites as confident of King James's Restauration, as the Turks, with an implicit Faith, believe the return of *Mahomet*. They talk of it one among another with so much certainty, as if another Monk were marching to *Dover* to receive him. And therefore it was, that a Carrier and two Cassock'd Ministers discoursing together in the Kitchen at *Gerards-Hall* but t'other day: *Well Master, said the Carrier--what--d'ye think we shall have King James again?—As sure, quo' the Minister, as thou art a Living Man—But when, quo' the Carrier—Before the end of next Summer, I'll bold my Life on't--quo' the Minister.* With a great deal more of this Riffraff, which was over-heard by the Cook-Maid, of whom they were not so cautious, as perhaps they ought to have been. 'Tis true, that one of these Canonical Gentlemen had never taken the Oaths to King William and Queen Mary, but the other had; yet he was so far from interrupting the Discourse, that he seem'd extreamly pleased with the Tidings.

Now it is impossible for these Men, unless their Rational Souls have forsaken 'em, to be so confident without any Grounds of Assurance: Or suppose their Hopes may be vain, or at least become frustrated in the end; yet it is impossible for them to tickle their Fancies, without some Straw or other of a Probability, tho' ever so airy. Among the rest therefore, it may be justly conjectur'd, that the Contrivance of the Subscribers Petition was one; a thing well known at that time to those two discreet Ministers, and upon which a great part of their Hopes depended, tho' they would not impart all their Knowledg to the Carrier.

The Heads
of the Pe-
tition.

As to the Grounds of the Complaint, the first is, that several Aldermen of the City, so made by virtue of Commissions from the late King James under his Great Seal, still act as Aldermen by that Authority, under pretence that they are still continued by some doubtful Expression in the Act of Parliament for Reversing, &c.

That

That Sir Thomas Pilkington, was not duly declar'd Lord Mayor.

That Mr. Robinson was unduly impos'd upon the City for Chamberlain of London.

That several Members of the Council are illegally excluded.

That the Lord Mayor and Aldermen have assum'd the Execution of the Office of Town-Clerk, vacant for above three Months, into their own Hands, and appointed several Persons to execute the same, without the Consent of the Common-Council, by whom that Officer is only Eligible.

That they themselves have not been suffer'd to Meet and Consult about the necessary Affairs of the City.

And lastly, that they having agreed to make their Address to the Parliament for settling their Grievances, the Mayor refused it, and to prevent their Application, dissolv'd the Court.

All which Complaints are grounded upon the Subscribers Hopes, that the late Act of Parliament for reversing the Judgment in the Quo Warranto, would have restor'd the City to its antient Rights and Privileges.

To these several Allegations, particular Answers have already been printed with Allowance of publick Authority, positively asserting the Subscribers Assertions to be untrue, the mere Clamours of Calumny and vexatious Falshood in the relation of matter of Fact; the most part already made apparent by the fair Proof of Persons upon their Oaths. To which Answers, needless to be repeated here, the Reader is refer'd.

Answers already made to all these Heads.

However there is this farther to be remarked; that surely the Subscribers had a very mean Opinion of the Wisdom of the House of Commons, to believe that so great an Assembly would fall immediately upon the Lord Mayor and Aldermen, without examining the Verity of the Subscribers Allegations. For if they did not believe that, they could not imagine that a Petition stuff'd with untruths, tho ever so plausible, could stand the Test of Parliament-Inquisition. But it seems the Subscribers assum'd the same Liberty in appealing to the Parliament, as they that first launch into Chancery Suits, who take the liberty to put into their Bills whatever makes for their Advantage, whether True or False. But however such Proceeding may be allow'd in Chancery, the Subscribers could never expect from an Untrue and Litigious Appeal to the Commons of England, any better Success than what they have had.

Allegations false.

It remains then to be a Rash and Inconsiderate piece of Insolence, to disturb the Consultations of so great an Assembly, busily imploy'd in the most Important Affairs that perhaps will ever come under their Debate again; since the Parliament of England is now the Parliament of the whole Protestant World. And therefore since the Subscribers could not expect to be reliev'd from Grievances, where there was only a great Cry and a little Wool; it follows of course, that their Petition was only a propense Contrivance, to render abortive the wistful Expectation of all Europe. Had their Grievances been real, they had been unseasonable; but as they were only Complaints, without any just Grounds, it was an unmannerly Affront to offer Cavil and Contention to the Supreme Reason of the Nation. For he that offers impertinent and groundless Complaints to his Superior, thinks him surely either very weak, or else oblig'd by Preingagement, or else that he knows not what to do with his Time; from all which Incivilities toward the Commons of England, the Subscribers are to acquit themselves as well as they can. But they knew that an Explanation of the Act would take up time, and that was the Subscribers chief Aim. Tho'twas a rude Request, for the shallower part of the Common-Council to desire an Explanation of the Act for themselves, when the Lord Mayor and Court of Aldermen, and the wiser part of their own Members were satisfy'd already, and desir'd no such enlightning of their Understanding; as if the House had nothing to do but to gratify their want of Wit or pretence of Scruple; especially when at their own Meeting, they themselves could not agree upon putting the Question about the Address to be made, nor what words of the Act they would have explain'd. And that tho some of their Number made a Motion for such a Question to be put, yet others oppos'd it as senseless and ridiculous.

The Petition contriv'd to obstruct the great business of the Parliament.

It is also farther observable, that they who make these loud Complaints of the Infringement of their antient Rights and Privileges, were many of them the very Men that surrender'd them up with such an easy Compliance to the Tyranny of the Court at that time, as if they had been so many Shackles that gall'd their Heels. So that in them, it is only to be look'd upon as a Pretence for Disturbance, to make such

Most of the Petitioners surrenders of Charters:

such a bustle for Rights and Privileges, which they contemn'd and slighted formerly to that degree, as to prefer the Barly-Corns of Court-Favours before 'em. How did they formerly quarrel with their *Antient Rights and Privileges* in the Election of Mayors and Sheriffs? How did they labour and toil, moil and tug to subvert the antient Rights and Privileges of the City, to further and uphold the Tyrannical and Arbitrary Proceedings of the Court? So that indeed, were it not for the sake of others, they may be said to be unworthy of the Privileges from which they pretend to be debar'd; more especially since that now they enjoy them again, they make so ill use of them, and challenge only the Breach of their Privileges to divide the Nation, and restore the profess'd Fo of *English Liberty*: Which leads me to consider who they are that make the Complaints.

The Nation
govern'd
20 Years
by French
Counsels.

It may be truly said, that for almost twenty Years together, this Nation was wholly govern'd by the *French King*, under two as obedient Pupils as his Heart could have desir'd; he prorogu'd and dissolv'd our Parliaments; told us when we should make War and Peace with the *Dutch*, how we should behave our selves at the Negotiation of *Nimeguen*: He advis'd the two late Kings to rule despotically like himself, and to subvert the Foundations of the Laws and Liberties of the Kingdom. And these Subscribers are they that seem to be so in love with his Government, that they would fain have the same again. They have such a fond Affection for Slavery and Popery, that they are mad to see any body go about to hurt so dear a Friend to King *James* as the *French King*. 'Tis pity, they cry, that a poor Prince who has been at so many years Expence of Toil and Mony to enlarge his Territories, should lose the benefit of his Treacheries and wastful Usurpations upon his Neighbours, by the Opposition of *England*, and therefore they'll do what they can to dissipate the Storm that hangs over his Head. Shall he protect our *Great and Just King James*, and we not lend a helping hand to impede King *William's* Preparations against him? And if a Petition to the Parliament, as we are certainly told, will do the Business, 'tis the least thing we can do. These are the Men that care not what becomes of their Country so King *James* comes in again: They long to be at their old Trade of making work for the Hangman. You may pick up several of 'em in the famous Trials of the Lord *Russel*, *Rouse*, Sir *Samuel Barnardiston*, Mr. *Papillon*, *Bateman*, and those barbarous Prosecutions of Dr. *Oates* for Perjury, under the *Ipse Dixit's* of that *Tamerlane* of the Law, Chief Justice *Jefferies*.

60 of the
Petitioners
betrayers of
the City
Liberties.

No less than Sixty of these are reckon'd up to be of the Number of those that strove, with such a slavish Emulation, to sacrifice their *Antient Rights and Privileges* to the imperious *Moloch*, Arbitrary Tyranny, on purpose to make a mere *Golgotha* of the City; and with a fawning Officiousness resign'd their own Liberty to enslave others. So that it is not so much to be admir'd, that such Men should be easily inveigled by the Enemies of the Government, as it is to be wonder'd how such People should be admitted to the Advantages of being qualify'd by their Places to promote the Distraction and Confusion which better Headpieces contrive: For had not the chief Incendiaries such Tools and Instruments as these, they would be at a great loss. King *James* would suffer none to be rampant in his Reign, but such as with open Arms embrac'd his Arbitrary Rule: But such is the gentleness of this Government, in hopes to reclaim these stubborn and restless *Jacobites*, that it admits them into the very Bosom of it; while they are so far from being mollify'd by such an Indulgence, that they only croud by head and shoulders into places of Action on purpose to do Mischief.

Zeal for
the Church
of England
their great
Pretence.

'Tis true, they shelter themselves under a Pretence of being great Zealots for the Church of *England*; but whether it be not a Service more grateful to the Church of *Rome* than that of *England*, to assist the recalling of King *James*, is a Question they might easily themselves resolve were they so minded. And as for their Affection to the present Government, it was a sign they had very little, when all the Mony that their Loan to his Majesty amounted to, was no more than Seven thousand Pound; and a great part of that too called in again, upon the last altering of the Militia. But they are put in such hopes of King *James's* Return by *May-day* next, as some there are who make no scruple to give it out, and therefore that King *William's* Voyage into *Holland* is but an honourable Flight, that upon the Cautions of *Prudence*, these Men are tender of doing too much for King *William*, lest they should forfeit their Reputation to their wish'd for Idolater. They are all Flash and Self-conceit, Passionate and Violent, where the fondness of their Dotage hurries them. Three dangerous Compositions to misguide such Persons that be-
lieve

lieve they know more than they do; and never consider the fatal Inconveniences of future Consequences. And from such Men as these, what Good can be expected toward the settling of a Government, that has been labouring above these twenty Years under the Dislocations of premeditated Tyranny, and rather requires the most healing and balsamick Remedies, than the pernicious Drugs of Division and Faction, which only fester and corrode?

There are some Men that always hate the Present, tho ever so good; always covet something to come, tho ever so uncertain; and always extol and celebrate what is past, tho ever so bad. Of this Humour the Subscribers seem to be. But such a Humour will never suffer the Kingdom to be at rest; such People being Tools still ready at hand for those to work withal, that love to see their Country always in a fluctuating Condition. And thus they that should bar up all Entrances against Sedition and Division, are call'd in to be the chief Persons that set open the Doors for Distraction and Commotion.

But as the Subscribers are not alone, so it is no hard matter to give a shrewd guess who they are that both prompt and incense precipitate Zeal, wherever they meet with Subjects fit to work upon. And of this number are many that wear the Habit indeed of the Church of *England*, but who make it their chiefest business to promote the Interest of the Church of *Rome*, who by virtue of their Profession, gaining an Ascendent over the Consciences of many People, make an ill use of the Confidence their Admirers have of their Evangelical Probity.

Who the Promoters of the Petition.

These Interlopers in Affairs of State, being once deluded and well instructed by the Canonical Politicians that sit at the Helm of the Church-Militant, are the most proper Instruments to cajole the Laity. These are the fittest Men in the World to sow Division and Discord, because that what they say is thought to be deriv'd from Scripture; and therefore the more dangerous, because *Corruptio Optimi est Pessima*. These are for the first Employers, whether Temporal or Ecclesiastical: So that if either have occasion to make use of their Activity to promote a Faction to disturb the Publick Peace, or to interrupt the Proceedings of the Government, presently these young *Levites* go and touch their Tongues with a Coal from the Altar; and then like the *Syrian Ennus*, that headed the Slaves against their Masters in the *Sicilian* Servile War, who by holding a Nutshel in his Mouth stufft with lighted Sulphur, breath'd out Fire at the same time that he spoke, to incense the Resolutions of his Fellow-Captives, they sputter out their Flaming Divinity, to kindle the combustible Matter already dry'd and prepar'd to their Hands, the cause of many Conflagrations in State, not so easy to be quench'd when thorowly blown up. These Men love King *James* for the Inquisition's sake, and the *French* King for the sake of his Dragoons; and think no Government easy to themselves, but such a one as will permit them, with Scourges and Imprisonment, to lord it over the Consciences of their Brethren: Not considering that in King *James's* Reign, there were four or five Priests busily every day employ'd, for several months together, in the Augmentation Office, to take an exact Account of all the Lands and Livings in the Kingdom. And they may be sure those Abby-Lubbers did not take all that pains for their Advantage, had they the Wit to apprehend it. What would then have become of the Enlargement of their Jurisdiction, which now they so zealously, even to Mutiny and Faction, contend for? Unless it be out of an obstinate Resolution to uphold and justify that antient Adagy of *In nomine Domini incipit Omne Malum*. What fair Promises and Engagements King *James* has made these *Levitical* Sticklers, they best know themselves; but certainly their surest way is, to have a care how they trust him.

Character of the High Fliers.

Priests busily in K. J. his Time in the Augmentation Office.

Most certain it is, that the Clergy of the Church of *England* ought to be supported in their Lawful Rights, and in all the Power and Dignity that belongs to them. But these Men are so eager to extend their Ecclesiastical Jurisdiction, that their straining it so high becomes a perfect Mark of extravagant Ambition, obviously to be objected against, and from which the World draws Inferences no way serviceable to the Church in general. And therefore since they were so passionate in their Transports for Passive Obedience and Non-resistance, under an exorbitant and Law-contemning Reign, they would do much better to practise their own Doctrine under a just and gentle Prince.

Clergy to be supported in their just Rights.

In a word, whoever they were that advis'd, or fram'd, or subscribed this Petition, it appears by the ill Luck it has had, to have been a malicious, mutinous, and indeed ungodly *Jacobite* Contrivance, to disturb the Proceedings of the Parliament, the Peace of the City, and by Delays and unseasonable Diversions to disappoint and

Jacobites the Promoters of the Petition.

and frustrate an Enterprize more glorious than the Expeditions of our former Monarchs to rescue *Jerusalem*, which was only a piece of bigotted and superstitious Zeal for the recovery of a City, which Heaven it self had destin'd to perpetual Destruction: This a Design of Royal Charity and Generosity, to rescue all *Europe* from threatned Servitude, and propagate the truest Religion now extant in the World. For which unwary and inconsiderate Act, if the Subscribers and their Abettors have deserv'd hard Words, and perhaps severer Thoughts; 'tis no more than what they have brought upon themselves, for not duly weighing his Majesty's own Expressions in his Speech to the Parliament upon the Second of *October* last, wherein he thus concludes:

My Lords and Gentlemen;

I look upon the future Well-being of this Kingdom, to depend upon the Results of your Counsels and Determinations at this Time: And the Benefit will be double by the Speed of your Resolutions; insomuch that I hope you will agree with me in this Conclusion, That whoever goes about to obstruct or divert your Applications to these Matters, preferable to all others, can neither be my Friend nor the Kingdom's.

Persons
complain'd
of in the
Petition.

The present
Ld Mayor
an opposer
of Arbitra-
ry Power
in K. J's
Reign, and
suffering on
that ac-
count.

The last thing to be consider'd is, What Persons they are who are complain'd against. And here we are to observe, that the Subscribers chiefest Eye-sore is the present Lord-Mayor: He is not for their Turn, and therefore they would have him remov'd! He will not act for King *James's* Interest as they do, and therefore they would have a more supple Gentleman that will. They knew full well with what Constancy and Courage he formerly withstood the Torrent of the late Arbitrary Violences offer'd to the City, till by their Assistance it grew so Impetuous, that it bore down all the Mounds of Law and Justice before it. They knew that for his thus asserting the antient Franchises of the City, he became the Object of the Duke of *York's* Fury, who because he could not fasten any Pretence upon him to take away his Life, resolv'd to make it as miserable as he could, and to have crumbled him at length to pieces by the weight of a *Scandalum Magnatum*, under the management of a swaggering Judg, a pack'd Jury, and prompted Testimonies: nor could ever any Atonement be made to his high Displeasure against a Person that had stood up for the Rights and Liberties of the City, as Sheriff *Pilkington* did, who refus'd to pack a Jury to take away the Life of the Earl of *Shaftsbury*. They knew him to be one of those who thus deeply suffer'd at a time, when something in the shape of Justice hector'd, whip'd, imprison'd, hung, drew and quarter'd, and beheaded all that came near her, that had incur'd the Popish Successor's Wrath. And therefore, as if they still were of opinion that those things were Crimes which were criminal at that time, the old Grudges are wak'd from a long Sleep (nay, whether they were ever asleep or no is the question) and such an Enemy to the Duke of *York*, and consequently King *James*, must be laid aside, and sacrific'd to a second Revenge of former Indignation: For since there is nothing else alledg'd against him but what is only Impertinence and Calumny, it is shrewdly to be innuendo'd, that the Subscribers hatred against him is of an old Date.

His Conformity to the Church of *England* is so apparent to the World, that the Fort was not to be taken by any Batteries that were to be made on that side. His Loyalty to a Prince that has spar'd neither his Person nor his Pains to the Kingdom's Good, that has prefer'd the Satisfaction of his Subjects before the most solid Advantages of his Crown; his Loyalty to this true *English* Prince is so unshaken, they could not stir it: Therefore he must be attack'd with specious Pretences, and plausible Insinuations of irregularly administering the Affairs of the City. And in order to this they raise Quarrels and Differences among themselves, *de Lana Caprina*, scruple the Legality of the Lord Mayor's Election, when the Scrutiny was wav'd by the Persons that demanded it, and that they declar'd their Satisfaction in the Choice; challenge to themselves Authorities which never appertain'd to their Jurisdiction, and bring a Charge of Infringement of their Privileges upon false and slender Allegations, to pester and intangle the Justice of the Lord-Mayor, and involve the Court of Aldermen in the Broil, on purpose to create an occasion of undue and unjust Complaint, while the irregular Returns of Common-Council-Men in the Wards of *Aldersgate* and *Dowgate* are cunningly laid as Foundations for the Mutiny. And then to involve the Parliament in their litigious and groundless Contentions, they must be petition'd to explain their Act by Persons out of Com-

mon-

mon-Council, when it was oppos'd as unnecessary and troublesome in the Assembly it self in a Body together. And all this not much unlike the Hubbubs which some People raise in the Streets, that they may have an opportunity to deprive honest Men of what they carry about them. But as Envy acquir'd by well-doing, begets Esteem and Reputation, so it redounds to the Honour of the Lord-Mayor, that none were so great Enemies to the Consul Cicero, as they that were engag'd in the Conspiracy of Catiline.

PLAIN ENGLISH:

Or an Inquiry into the Causes that have frustrated our Expectations from the late happy Revolution, and obstructed the Progress of our Affairs: Consider'd in relation to the Present Conspiracy.

Printed in
1691.

And what Advantages have by the foresaid Means been given to the Enemies of the Government.

The PREFACE.

THAT there is a Plot on foot for subverting the present Government, has now appear'd beyond Contradiction: We are at last become sensible of our Danger. There have been few Persons undone, who have not by Inadvertency, or otherwise, in some measure contributed to their own Destruction. Had the Designs of the restless Faction amongst us taken effect, it had been too late for us to reflect upon our own Neglects and Miscarriages, and how far we our selves have been accessory to our own Ruin. I may perhaps be bold to assert, That the utmost Contrivance and Malice of our Enemies, could never have advanc'd to any dangerous Degree, if we our selves had not administred those Advantages that seem'd both to encourage and facilitate their Enterprize. 'Tis therefore worth our while (especially after the Alarm that has been given us) to enter into a serious Consideration of those Means, Things, and Persons, by which we have been so expos'd to the Assault of our Adversaries; what Irregularities on our part have given them opportunity to molest us: Which Enquiry is the Subject of this Treatise.

I cannot pretend in this narrow Compass to have enumerated all the Particulars; If I am mistaken in any, I should be glad to find my self deceiv'd. Amongst the Mistakes and Inadvertences that have conspir'd to betray us, some are without Precedent or Parallel: For the rest, they are (together with their inseparable evil Consequences) to be met withal in the Annals of every Age and Country. If in any of the Particulars hereafter treated of I have exprest my self with some warmth, I can assure the Reader, it was upon no resentment for any disappointment that I have met, or can possibly meet with, who neither expect nor desire any further Charge than my own private Affairs, which are sufficient for my small Ambition, and more than enough for my Age and Infirmities. I have liv'd to observe the evil Effects of Ambitious Avarice for the greatest part of one Century: What Influence it has had upon the greatest States and Empires, appears upon Record from

the best Witnesses of Antiquity : I shall instance only in the most flourishing, that of the Romans, which owed its downfal to this degenerate and mercenary Vice.

Illicet Ambitio nasci, discedere Rectum
Vænum Cuncta dari, &c.

To which we may add the Testimony of Lucan :

Hinc rapti fasces pretio, sectorque favoris
Ipse sui Populus lethalisque Ambitus Urbi.

With whom agree Appian and Petronius, who charge the Civil War upon this very Score.

Nec minor in Campo furor est, emptiq; Quirites
Ad prædam strepitumq; Lucri suffragia vertunt,
Venalis Populus, Venalis Curia Patrum.

Corruption
the Cause
of all Dis-
orders.

So prevailing was this Corruption grown amongst them, and as Seneca expresses it, Res Ventosa nullumque habens Terminum, Epist. 84. that severest Laws were enacted against it, as appears by Suetonius: Which yet were not so strictly observ'd, but they gave just occasion for that Remark of Valerius Max. Utinam (says he) more majorum, nihil eorum quæ Virtuti debentur, emere pecunia liceret.

But in these Ancestors Days to which he appeals, their greatest Men had learn'd the hardest Lesson of Virtue, which was pauperiem pati. And so long as the Republick could maintain her Splendor, they glory'd in the meanness of their private Fortune. Nisi forte antiquis illis priscis Virtutis Viris, Fabiis, Fabriciis, Cincinnatis, grave fuisset estimamus quod Pauperes erant, qui Divites esse nolebant, says Salvian. Massil. lib. de Prov. & Gub. Dei, 1. And a little after; Non despiciebant tunc puto pauperes Cultus, cum Vestem hirtam ac brevem fumerent, cum ab Aratro accerserentur ad fasces, & illustrandi habitu consulari illis fortasse ipsis quas assumpturi erant imperialibus Togis madidum sudore pulverem detergerent. If we trace him farther to the Consequence of this Heroick Poverty, he will tell you, Itaque illi pauperes Magistratus opulentam habebant Rempubicam, nunc autem dives Potestas pauperem facit esse Rempubicam. The Curii disdain'd not to dwell under Thatch; but if you would know what Metal these noble Cottagers were made of when occasion offer'd, you will find them to have been pugnaces.

Et casa Pugnaces Curios angusta tenebat. Claud. in Ruff.

And again, de 4. Hon. Conf.

Pauper erat Curius Reges cum vinceret Armis.

Character
of the Ro-
mans.

But the truth is, the Romans of those hardy Days could afford to be Poor, as having nothing but the honest Wants of Nature to provide for, who is reasonable in her Demands, and subsists upon a little Cost. Their Successors set up for Gentlemen of another strain; They contracted so many chargeable Vices to maintain, and converted so many Extravagances into Necessaries of Life, that the Patrimony of their Ancestors, altho never so much improv'd, fell too short for their Occasions. Employments of State were sought for, not through Zeal to serve the Publick, but for the support of their private Riots and Debaucheries. The Government was become a general Mart, where the richer Chapmen bought by Wholesale, to sell out again by Retail.

Quare tam perdita Roma
Ipsa sui merces erat, & sine Vindice Præda. Petr. Arb.

Such was the Practice amongst the Romans, from whence I will not presume to draw any Parallel: But rather wish to see such a thorow Reformation in every Particular that could be any occasion of Grievance, that the prudence of our Legislators, and the Expences of the Publick may not fail of those Advantages that are expected from them; that no Admi-

Administrative Offices and Employments, design'd by the Government for Rewards of Honesty and Merit, should be prostituted to Purchase.

It will appear from the Particulars treated of in this Discourse, that Zeal for the present Government, and Concern for my Country, engag'd me on this Subject. If Artifice or Rhetoric had been necessary upon this Occasion, I should have declin'd it: But having only to do with what was visible and obvious, and what every honest Man will readily assent to, I was sensible that Plain English would be sufficient. We can only bring the impartial Hand of Truth to launce these Sores in the Publick Body, and leave the Cure to the Wisdom of our State-Physicians.

Plain English :

Or an Inquiry into the Causes, &c.

FROM the beginning of the late Revolution, there remain'd nothing for us to do, but to close in a happy Settlement upon those Foundations of Peace and Liberty that might have secur'd both our Selves and our Posterity.

But we have since been so far remov'd from those good Circumstances, that we have rather labour'd under the Symptoms of approaching Ruin. It cannot therefore be unseasonable to reflect on those Things that have frustrated our Expectations: For unless we turn short, and recover the false Steps we have made, our Enemies may yet be quick enough to intercept, and get between Us and Home.

To begin therefore with the Grounds and Occasions of our Misfortunes; We shall find a principal Ingredient to have been what the Apostle truly stiles the Root of all Evil. Avarice is a Vice as inconsistent with the Health of a Nation where it is predominant, as with the Safety of a private Person's Soul, where it has once got the Ascendant. Honour, Honesty, Friendship, Gratitude, and whatever else should be Sacred among Mankind, must be sacrific'd to this devouring Mammon. 'Tis evident from History, that when this Corruption has prevail'd in any Nation, Employments and Places of Trust have thereby been made mercenary. And what better Advantages could the Enemies of such a Country have wish'd, than to see the Publick Safety so expos'd; while the Avenues were left open to such as were dispos'd to betray it, provided they would but come up to the Purchase? And Experience in all Ages has shown, that such Enemies will part with all they have in the World beside, to be qualify'd for Chapmen on such an Occasion. We shall likewise find, that many of them have been furnish'd for the Market by former Possessions of Places: For there has seldom been any Government so well establish'd, where such wicked Instruments have been wanting, who made any scruple of sacrificing their Country to their own private Interest: who never took the trouble to consider the Consequence of things; for indeed what need they, having been furnish'd with convenient complying Consciences, that would secure their own private Stake in any change of Affairs that could happen? Most Countrys have had experience of the evil Consequences, where such Vipers have been nourish'd at the publick Charge, and receiv'd into the Bowels of the Government, where they act but according to their Nature, if they eat thro and thro. But besides this sort of Customers, we can no sooner open Shop for sale of Employments, but we shall find the French King ready to disperse his *Louis d' Or's* to furnish out his Creatures to be our Chapmen. How then shall we expect the Interest of the Nation to be serv'd by such as are Engines and Vassals to the Common Enemy? Do men gather Figs of Thorns, or Grapes of Thistles? Is it possible for us to lean upon such Egyptian Reeds, and not to have them pierce our Hands and Hearts too? Good God! Is this the Reformation with which we flatter'd our selves? wherein Honesty and Merit expected to come in play? wherein none should feed upon the Bread of the Publick, but its true and faithful Sons? when Preferments should be turn'd into their Right Channel, and not the meanest Trust put into such Hands as had sign'd and seal'd

lead'd to the Ruin of their Country? I my self who am an old Man, and thro a long course of Life have seen the great Master of Wisdom's Words made good, *That the Race is not to the swift, nor the Battel to the strong, nor Bread to men of understanding, nor Favour to men of skill*; yet could not upon so fair a Prospect as was open'd to us by the late Revolution, but hope to see the Day when Honesty should meet with Publick Reward.

I must once more resume the Saying of *Val. Max.* *Utinam more majorum nihil eorum quæ Virtuti debentur emere pecuniâ liceret.* He had but his Wish for it; and I am afraid we have but little more. What have our honest Sufferers in the last Government met withal, but the Honour of looking on? If their Disappointment centred in themselves, it were indeed a Misfortune to be pitied; but it is a matter of greater Consequence, the Publick being in the mean time defrauded of their faithful Services. I would by no means be thought to detract from the Merits and Abilities of very many who are employ'd in several Stations: But if any *English* Man will tell me we have no need of a Regulation in this Matter, he must be a great stranger to his Country, to give him no worse Character: He must be very unacquainted with our Condition, not to know we have been under the Circumstance of the Apostle's Catalogue of Troubles, in *Perils at Sea, in Perils at Land, and in Perils from False Brethren.*

French
Mony a
great Cause
of them.

There are few Countries in *Europe* where the *French* Coin has not been more than ordinary rise amongst them; who can all testify that the *French* King will know for what he parts with his Mony, as great a Prodigal as he is suppos'd to be of it. And it is evident, that in most Places he has made no ill Merchandize of his *Louis d'Or's*, but sufficiently had his Pennyworths in Intelligence. He must have had their own Heifers to plow withal, for the finding out their Secrets: And where there is such clever and extraordinary Jugling as he has shown, it may be taken for granted, that he had his Confederates in the Operation. He that will not allow his Intelligence from his Pensioners in Employment, wherever they are, has not yet heard of a *French* Fleet braving us upon our own Coasts, and committing a Rape upon our greatest Mistress, the *Dominion of the Seas.* Was there ever an opportunity better nickt, to disturb us at Sea, or threaten us with an Invasion at Land? If our Danger and his Advantage were not pursu'd so far as he expected, it was no thanks to his Dependents, who contributed their best towards it. We were not a little oblig'd to the Cowardice of their Inviters, who had neither the Courage nor Honour (if it be not too great an Abuse of the Term) to make good their promis'd Insurrection throughout the Kingdom upon so favourable a Juncture. But above all, we were supported by his Majesty's most seasonable Success at the *Boyne*, which brought a surprizing Astonishment upon their Spirits, and left them motionless as Statues. Very few Ages have shewn the World such a Darling of Providence in all his Undertakings; and this was a remarkable Instance of its Favour. A Victory so circumstanced, so wonderfully tim'd, and so absolutely necessary to the support of our sinking Hopes, that it must be acknowledg'd miraculous. Cowardice or Treachery (says an ingenious Remarker) had oblig'd us to stand inglorious Spectators, while our Allies bore the brunt of a Sea-battel; upon this Disaster we were stunn'd with the dismal News of a Defeat of our Confederates at Land, and nothing to recover our Spirits, but that Sovereign Cordial of his Majesty's happy Expedition.

The Queen's
happy Con-
duct.

The only Person that could in the least pretend to rival his Majesty's Conduct and Fortune in that critical Time, was his Royal Consort, who with a Resolution above her Sex, and unparallel'd prudence of Menage, contributed to dispel those Clouds that strove to darken her Sphere. But Princes may be active, and Providence ready to second their Endeavours for the Publick, yet notwithstanding their Fortune and Conduct, not be able to make those Advances in their Peoples Happiness which they propose, so long as they are oppress'd with the dead Weight of National Vices in their State, especially such as have immediate Influence upon the Publick: It is impossible for them to see beyond the first Ranks of their People; and 'tis happy if they can there distinguish exactly, and sufficiently know their Men. And the Body Politick, as well as a Private, is capable of being mortally wounded in the very Heel. There is a natural Justice in providing for Men of Merit, and the Publick will sufficiently find its Recompence in their Fidelity. When will *England* be able to boast, That Honesty is a sufficient Recommendation? The Age is not yet so debauch'd, but we can see a National Concern take place in other Countries. The very *French* themselves, as much as we talk of their Slavery and Oppression, are

are not yet so poor (at least in Spirit) as to sell their Country. All Offices amongst them are punctually discharg'd; the whole Body is animated, as it were, with the same Spirit, and moves regularly; while many of ours either wholly neglect the Trusts that are committed to them, or make such fraudulent Delays in executing their Orders, that the Care of our Governors is too frequently frustrated, and the Nation put to fresh Charge to make good their perfidious Omissions.

In plain *English*, We are so sick of this Golden Jaundies, so infected with this Vice, that without a thorow Purge, we must continue in a crazy and languishing Constitution. By what practice of under-hand Instruments, this Misfortune has crept upon us, I will not presume to determine; but I am certain it was never the Intention of our Governors, to have any Offices pester'd with such Persons as shew'd themselves notorious Enemies to their Country in former Reigns; while many who were not only Sufferers in those Reigns, but sacrific'd the Remainders of their Fortune to assist in this Revolution, are silent Spectators of their own disappointment, and see the Provisions seiz'd by those Harpys that serve only to bewray those Tables where they receive their Food.

Our next Misfortune has been the unhappy Misunderstanding, or rather Misrepresentation of Persons; our want of making a just and timely distinguishment between our Friends and Enemies. I speak not of Protestants and Papists, the latter whereof have been always Adversaries (tho they have likewise had their Times of being otherwise represented) but between Protestants and Protestants. Nothing can be plainer than that we have had two Protestant Parties, who have embrac'd two different Principles, and pursu'd two different Interests: but then instead of those canting Nick-names of *Whig* and *Tory*, the Discrimination should have run between Friends and Enemies to their Country; between such as were for opening Inlets to Arbitrary Power, admitting unbounded Prerogative to swallow all, and those who were zealous for the preservation of our Laws, Religion and Property. Our moderate Man, or true *English-Man* (call him *Whig*, or what you please) is one that steers between Extremes, and thinks our Constitution duly maintain'd, preserves this Mean in a greater measure than any other Nation: That it takes from one the too great Power of doing hurt; and from the other, Confusion, Parity, and Licentiousness; and yet reserves a due care of such Liberty as may consist with mens Allegiance. A King in his Notion is so exalted and comprehensive a thing, that he thinks it a kind of degrading the Prince, to lodg that Power separately in his Person, which can never be truly Great, but where the People are united to him: For to consider him under the single definition of a Man, he thinks an impairing of that Veneration which is necessary to preserve his publick Character and our Duty. Yet have these sort of People had the misfortune (I should rather say the injustice) to be misrepresented as Enemies to Monarchy. For what in God's Name! Because they would establish the Prince upon the immovable Foundations of Law. This Aspersion has been at all times made use of by Sycophants of State, to exclude honest Men from Employments, and a capacity of serving the Publick. It is perhaps at this day one of the greatest Miscarriages that we labour under. 'Tis a Mischief that, like a Pest, has ran thro the Kingdom, but rag'd chiefly in our Metropolis. It is upon the specious Pretence of being the only Friends to Monarchy, that divers Instruments of Injustice and Cruelty in the last Reign, had the Impudence to come in Competition with the worthiest Members of our City, and sometime carried the Election.

Ill Understanding amongst Protestants, another Consequence of our Misfortunes.

*Pellitur a Populo victus Cato; tristior ille est
Qui vicit, fascesq; pudet rapuisse Catoni.*

We know who it was that held the Rendring unto *Cesar* the Dues that were *Cesar's*, as indispenfibly as what was due to God; yet he himself could not escape the Reproach of being an Enemy to *Cesar*. It is impossible for a Prince to have a personal knowledg of his Subjects; it is sufficient that he leaves us of the City to our free and customary Methods, of electing such Persons to serve on all Occasions, as may best consist with our Interest and Safety.

But we, methinks, in this Time of Deliverance, should know who were our old Task-masters, and not once more put the Scourge into their Hands. We know who were the Executors of *Pharaoh's* Cruelty, who cannot forget their old Trade, but endeavour with all their Might to bring us back to the House of Bondage.

Who were the Instruments of an arbitrary Proceeding in the late Reign.

What

What a shame is it to see such Persons, as upon the late turn of Affairs would have gladly compounded for their Skins, to be now audaciously intruding into publick Elections, openly endeavouring to get the whole management into the Hands of the Party; to have our Rights and Liberties at their disposal, while they are so far from recanting their former Villany, that they even justify those treacherous Measures, and have the Hardiness to acknowledg they would play us the same Game over again! *If a Man cheats me the first time (says the Italian) it is his Fault; if he cheats me the second time, it is mine.* In vain is the Net spread in the sight of the Birds: And shall we again suffer them to circumvent us, who are so newly escap'd from the Snare? A just and pious Prince will never be for their Turn. No, They must have such a one as will be confin'd to no Bounds of Law or Justice; to whose unlimited Power they would contribute, to come in themselves for their share of Oppression: They would contentedly lay their Heads under a Tyrant's foot, to have their Neighbours under theirs.

*Ill Counsel-
lors.*

That this is their Quarrel to the present Government, is most apparent. They would enlarge, as they pretend, the Prince's Power: They carry him up the Pinnacle of Ambition, to shew him an unbounded Prospect, upon condition he will fall down and worship them. Which was the old Tempter's Policy, and admits a double Fallacy. For first, It is not in their power to give, altho he should comply: And in the next place, they design it not for his Interest, but his Destruction. They know he is safe and impregnable, while circumscrib'd by Law: The Breastplate of Righteousness is the only impenetrable Armour: That the Defender and Preserver of the Publick, will be always protected by the Publick: That a good Prince has as many Guards as Subjects: That his Safety is as dear to them as their own private Property. 'Tis our present Happiness to have a Monarch that we can trust; and our old Seducers are now convinc'd that they can as soon remove the Earth from its Basis, and bring both Poles together, as ever hope to see him warp in the least from his sacred Promise. They have therefore no Game left to play, but embroil and trouble the Government, which they cannot corrupt; to endeavour by all Artifices to interrupt the Measures of State; to obstruct the Settlement of Affairs; to make our great Counsels ineffectual, upon which depends not only our Success, but the Safety of all *Europe*. I think we have a sufficient Instance in their late Attempt to put our Imperial City into Confusion, by Petitioning against its chiefest Magistrate: A Man of that unspotted Integrity, and so true a Friend to his Country, that it were to offer him a second Violence, for so unpolish'd a Pen as mine to attempt his Character. Every Body sees thro their Design in that Address: They reckon'd they should carry their Point, and get the City into their Hands against a critical Juncture, for which they were gaping; or that the Decision of that grand Debate would occasion a precipitate breaking up of the Parliament, when Matters of the greatest moment to his Majesty's and the Nation's Interest were yet depending. They knew there was but one way to frustrate his Majesty's Undertaking, and that was to cut him short of those necessary Supplies that are the very Sinews of War, and Life of Action. The Money-Bills were not yet pass'd, and they did their utmost to hang 'em upon the Hedge. They had before-hand not only in their private Cabals, but in open Reproaches against the Government, express'd their Good-will; and as they labour'd to make the People uneasy because of the extraordinary Taxes, (having no other Topick that would fasten upon them, there being always a Sympathy between the Strings of their Hearts and their Purse) so they thought in this last Effort, to cut off the Conduit-Pipes of Contribution. Which brings me to a third Consideration, that has had no small Influence on our unreasonable and most unseasonable Dissatisfaction; for nothing more animates or expedites the Affairs of a Prince, who has great and chargeable Undertakings on his Hands, than a cheerful Giver.

*Money-Bills
obstructed.*

Now 'tis so natural to take him for a Friend that advises a Man to keep his Money, and him for an Enemy who persuades to part with it, that both must have recourse to the same prevailing Argument, which is Interest. He that can convince us, that he has truly this Second on his side, cannot fail to carry the Day: Even the most covetous, for the reason that they are covetous, will understand the Force of this Demonstration. I will not recite those Dangers that would inevitably have swallow'd us, if we had not already contributed largely to the publick Support: But still it is for Liberty, whose price is inestimable, and an Inheritance which once thoroughly establish'd, never fail'd to overpay the Purchase. And I dare appeal to the Consciences of all the reasonable Men in the Nation, if they would not have freely contributed more for our Safety and Deliverance, when we were environ'd with
Ruin,

Ruin, than we have either yet expended, or will be farther necessary to answer his Majesty's Occasions. If we suffer'd the Inundation of Slavery to break in at once upon us, we must be contented to recover by piece-meal. We have a frugal ^{King's Con-} as well as prudent Prince to provide for, who desires to put us to no farther Charge ^{duct just-} than what will enable him to protect us. If to effect our Recovery, and bring us ^{fied.} to a perfect State of Health, will require Time and Cost, it is none of his Fault. He has endeavour'd, at the utmost hazard of his Royal Person, to cut the Work as short for us as possible. If his Majesty has any separate Interest from that of his People, we might part grudgingly with our Disbursements; but since he calls for no Supplies but what are indispensibly necessary for our Preservation, we ought as cheerfully to contribute to his Support, as the *Dutch* to the maintaining of their Moundings that bank out the Sea from overwhelming them. These Truths are so obvious to common Reason, that 'tis wonderful that our Taxes and Payments (were they yet heavier than they are) should discompose the Minds of Men, and be any Occasion of Division amongst us. But we are still a mixt Multitude, where the wellwishers to *Egypt* are continually putting us in mind of our former Fleishpots, aggravating the Hardships of the Wilderness, terrifying us with Apprehensions of *Anakims*, and invincible Difficulties that are yet to be encountred. Our Elders may consult, and our *Joshuas* may fight; but while the treacherous *Achans* are permitted to trouble our *Israel*, 'twill be no wonder if our Affairs proceed untowardly.

This brings us to another Consideration, of the ingrateful Use and Advantages ^{Ill use made} that the factious Party among us have made of the Indulgence and Forbearance that ^{by the Fac-} has been shewn to them. 'Tis a common saying, That 'tis pity fair weather should ^{tion of the} do any harm. I am sure 'tis so in Government, whose greatest and most charming ^{Lenity of} attribute is Clemency. But in new Establishments, if the Sword of Justice be ^{the Govern-} kept perpetually sheath'd, Malefactors will become insolent, they will be enclin'd to think the Government looks upon it self to stand upon Courtesy, that it is precarious, and dares not take notice of the most open Affronts. Their Insolence long ^{The Beha-} since was sufficient Demonstration to discerning Men of what Designs were hatch- ^{viour of the} ing; which would be worth while to trace from the twilight to the broad day of the ^{Jacobites.} present Discovery of their Plot. Upon the Appearance of the *French* Fleet on our Coasts, it was easy for us to distinguish our Men. We saw who they were that carry'd transport in their Countenance, that excus'd our Disasters at Sea, and revil'd the *Dutch*; who they were that compassionated King *James* his Defeat in *Ireland*, and strove to lessen the Reputation of King *William* in that Action. We had been pretty well inform'd of a Memorial sent to the *French* King from the disaffected among us, inviting him to their Assistance in order to introduce King *James*. This Design was then a disputed Point, which tho they had not then the Courage to confirm by their promis'd Insurrection, they had yet the Impudence to deny. But God be prais'd, there is now so much of their Mystery of Iniquity come to light, as leaves no room for further Doubt. But to conclude.

For the last, tho not the least Occasion of our Misfortunes (that I shall mention) ^{The disaf-} we are beholden to a sort of Men from whom we had the least reason to expect it, ^{fectd Cler-} I mean the disaffected among the Clergy. 'Tis pity that any of these Weeds that ^{gy a great} have pester'd our Paradise, should grow upon consecrated Ground. These men ^{Cause of our} I observ'd to be the first that discover'd their discontent upon the new Settlement. ^{Misfor-} I would by no means be thought to reflect upon the Church of *England*, whereof I ^{tunes.} have always profess'd my self a Member; a Church that makes so great a Figure ^{To be for} in the Reformation. But nothing is so frequent or pernicious as to mistake Names for ^{the Church} Things. We have been told what the Church of *England* is in the true Notion, that ^{a great pre-} it is the Body of the People and Clergy together in Communion under a Discipline ^{tence.} and Worship establish'd by Law. But it has been a Stale Trick of the Clergy in all times, to engross to themselves the Name of the Church. Ours have their Hierar- chy, and in God's Name let them have it; and let them in God's Name make right use of it. The Word Church, as the matter is now order'd, is made a Camelion that takes its Complexion, and varies with every Light; with different Persons it is a quite different thing; with some it is King *James*, with others it is Slavery, with Bigots 'tis Ceremonies, with the ambitious among the Clergy 'tis the Exercise of Dominion. What has more amus'd us than the Outcry of the Church's being in Danger? We know who they were that began the Peal: they were generally the most licentious of the Clergy, who were under a panick Fear of Reformation; the only Alteration whereof they could possibly have any Apprehension. Who more transported than this sort of Men upon the Prince of *Orange*'s Appearance? but that

that was a transitory Impulse, and vanish'd as soon as they were sensible, that instead of having King *James* deliver'd up into their Management, the Prince was like to fill the Throne. As the Leprosy of *Gebazi* that stuck to him and his House for ever, it has been the perpetual Itch of the Priesthood to be intermeddling in secular Affairs; they were design'd for glorious Stars, and had their Sphere allow'd them wherein to shine, but when they descend to lower Regions they degenerate to pernicious Meteors. The wisest Governments have always excluded their Clergy from Affairs of State, from whence they have receiv'd the double Benefit of having their ghostly Occasions better serv'd, and their temporal Concerns less embroil'd. For of all Men living they have the worst luck in Politicks; whether it be or not (says a judicious Person) that the Clergy are not so well fitted by Education as others for political Affairs, I know not: tho I should think they have Advantage above others, and if they would but even keep to the Bibles, might make the best Ministers of State in the World, yet it is generally observ'd that things miscarry under their Government. If there be any Counsel more precipitate, more violent, rigorous and extreme than other, it is theirs. Truly I think the reason that God does not bless them in Affairs of State is, because he never intended them for that Employment. Yet these are the men that must be cutting us out Schemes of Politicks, prescribing to Government, and determining the Rights of Princes. What a Hotchpotch have they made with their Kings *de facto*, their *Jure divino*, their Passivity and Non-resistance? But these are beaten Topicks, which yet I could not but glance upon, because of the ill Blood which these Men have caus'd among us. If some few of their Leaders (for I would be understood in all that is here said of the disaffected Party) have obtain'd a Character of Sobriety and Piety, it may be the better for themselves; but had they been all of a piece, their Example had been of less Influence to disturb the publick. If a *Corah*, *Dathan* or *Abiram* withheld their Obedience from *Moses*, their Retinue of Adherers may be thin enough; but if an *Aaron* sets up a Golden Calf, 'tis no wonder if *Israel* worship it. But, God be thank'd, we have enough even of their own Cloth to overballance them; and if the Scales were even, we could throw in the Approbation of all reform'd Churches and Societies throughout *Europe*. Even the Hierarchy of the Church of *England* is still safe and like to continue so, if the Faction amongst her Clergy (her Steeple and Pinnacle Men) by their perverseness and capriciousness do not alienate the Minds of People from them, as there is already but too visible a Declension. For upon whomsoever these Men shall please to lay the blame, it will be reply'd to them in the Words of the Satyrists, *Pace vestra liceat dixisse, vos primi omnium Ecclesiam perdidistis.*

Clergy Men
no good
Politicians.

The Hierarchy of
the Church
of E. safe.

Exhortation to the
Clergy.

Let me entreat you for your own Sakes to consider that it is a discerning Age in which you live, wherein Bigotry has sensibly lost footing. The greatest part of the People have learnt to distinguish betwixt what is taught them by their Priests, with regard to their spiritual and temporal Welfare, and what is only subservient to the Advancement of the Priestly Interest. You have your selves been sufficiently convinc'd of the dangerous Consequence of those enslaving Doctrines which you made it your business to preach up in the two former Reigns, what Approaches of Desolation they had brought both upon the Church and State; *Quaeque ipsi miserrima vidistis, & quorum pars magna fuistis.* Amongst our Outcries in the House of Bondage that ascended up to Heaven, who were louder in their Complaints than our Tribe of *Levi*? Who appear'd more zealous for the Union that was necessary amongst our selves for our common Preservation? And will you not be contented to have the Scourge taken off from your Backs, unless you have it put into your Hands? You would do well seriously to consult your own Consciences, if this was not the pinch that made you so restive when things were in so fair a way for an Accommodation. But whether or no you will be so ingenuous as to retract the false steps you have made, be assur'd that the Nation will be so just to themselves as to expect it from you. The Publick is sensible what Inconveniences it has been brought into by the Prevalency of your Passive Doctrines, and may look for a reasonable Restitution, viz. That you shall make the Nation honorable amends, by being as hearty and zealous in preaching up Obedience to the present Government. For till this be done, tho you swallow the Oaths, and come in to the last Man, there must go large Grains of good Nature to allow your Sincerity. You are dispers'd in such advantageous Posts of doing good or harm, that till this Reformation be universal among you, I know not when we are to expect a thorow Settlement. You are the Rivers and Rivulets everywhere dispers'd to water the Garden of our God; but till you have purg'd off

off this Taint, which (let me tell you) you contracted even in your great Fountain Heads, you will imbitter the Soil thro which you pass. I leave your selves to judg if it is not more Honourable for Persons of your Character, and agreeably to your Function, to rectify the Prejudice of your Education, than to incur the Censure of the Satyrists, *Quod quisq; perperam Juvenis didicit in Senectute, confiteri non vult.* Many eminent Persons of our Clergy have done themselves this Right, and I could wish for your good that not one in the whole Set would stand out. Give me leave for but this one Request at parting, that you would not think me your Enemy because I have told you the Truth.

POSTSCRIPT.

To the seduc'd Persons among the factious Party.

Countrymen,

FOR under that Appellation I may be allow'd to expostulate with you. If you were acquainted with my Years and Circumstances, you would grant that I had no private Interest to serve in this Address, nor am capable of any, neither do I apply my self to your whole Faction, but to those among you (for some such I must yet presume there are) who would not be engag'd in the Ruin of your Country, but have the Misfortune to be misled by false Notions, and that so far as you are concern'd, it is in the Simplicity of your Hearts. Your Concern for the Preservation of the establish'd Church is your main Topick. That the Church of *England* in its true Notion is at present under as strong Assurance as is possible, is visible even to her greatest Enemies; so secure that they have no way left to bring her into Danger, but persuading you that she is in Danger. There are those Empericks of State, whose Artifice it has always been to persuade us that we were well when we were sick, and that we are sick when we are well. They who told you our Church was safe under King *James*, are the very Persons that possess you she is in Danger under King *William*. By the Event of their former Pretence, you may judg of their Sincerity in the latter. I will put the Controversy upon this short Issue, Whether going to Mass or communicating according to our establish'd Worship is the best Proof of a Friend to the Church of *England*. Who, think you, is likely to prove the kindest Patron to our Church, he who (having sworn) thinks himself oblig'd to protect it, or he who thinks it meritorious to destroy it? There is indeed a factious Party of the Church of *England* (as they pretend) who have now brought themselves into danger, but it is by their own Treachery against the main Body of the rest. If you are such Church of *England* men, I have no more to say to you. You are as good Sons of the Church, as those that dated their Letters from on Board the *French Fleet*, or those who at this Day assist the *Rapparees* to cut *English* Throats. Good God! will you always persevere in being Tools and Properties to your and our mortal Enemies the Papists? Will you be always their infatuated Adventurers, and be playing their game for them at the hazard of your own Necks and Souls? They have an Interest to serve in overthrowing our Government, while nothing remains for you, but to share in the common Calamity you endeavour'd to bring upon us, and perhaps to fall their first Sacrifices. I wish you could see them in their private Cabals at this very time, insulting over your Folly, and making themselves merry with the Misfortune of those who are engag'd in the present Conspiracy.

At the beginning of this Advertisement, I suppos'd you to be *English* Men, and as such would conjure you to consider for whose Service it is that you expose your Lives, Fortunes, and Families. 'Tis not in reality for King *James*, but *Lewis* the Enemy of Mankind, and of Great *Britain* in particular, the *Nero* and *Caligula* of the Age. What Assurance can you have from a perfidious Tyrant, who never was known to assist but with a design to destroy? What Protection can you expect from him who violated his most solemn Sanctions to the People that settl'd him on his Throne, and who has fatten'd his Soil with the Blood of his own Subjects? By what unaccountable Charm has this State-Conjurer got the ascendent over Mens Senses, to persuade them to court his Chains, to be proud of his Bondage, and to think Slavery to *France* to be *a la mode*; to prevail upon our most bigotted Papists, to think

their very Pope fallible, when in Controversy with their infallible *Lewis*? For to the indelible Infamy of the *English* Nation, it must be said, that we are at this time pester'd with a Crew of both such Protestants and such Papists as appear Prodigys to their own respective Parties throughout the World.

REASONS humbly offered for a Bill against Buying and Selling Offices.

Printed a-
bout
1691.

The Bill **E**NACTS, *That the Statute 5 and 6 Edw. 6. cap. 16. against Ministers and Officers buying and selling Officers, shall be put in Execution.*

Reason. He that buys with his own ready Mony, will be upon the spur to reimburse himself; and he that borrows Mony, will be in more hast to pay his Creditors: And not any that makes hast to be rich, but will cheat the Government, to lay up a Store, if need be, to purchase off his Crimes, which Persons worthy and meet to be advanc'd to Offices, will not be guilty of.

The Bill Enacts, *That the Provision in the said Statute 5 and 6 Edw. 6. for selling Offices, whereof any Person is or shall be seiz'd of an Estate of Inheritance, leaves the Persons at Liberty to make the selling Rate arbitrary, or to get as much as they can. Therefore the Bill as drawn setteth Bounds, that not any shall take more than one Year's Value, to be paid out of the first and second Years lawful Fees and Profits, at eight Payments quarterly, if the Officer so long live, and enjoy his Office.*

Reason. This requiring no ready Mony to be deposited, will consequently abate the indirect ways Officers have us'd to reimburse themselves.

The Judges have limited customary Lords of Copyhold-Estates in their Demands of Fines uncertain, to two Years Value: *Ergo*, It's reasonable to have Buyers and Sellers of Offices incident to the Administration, so limited, that Persons may live honestly, and maintain themselves and Families decently, for the Honour and Interest of the Government, which is concern'd in all Offices incident to the Administration, that the Persons intrusted may act faithfully therein for the Comfort and Prosperity of the Nation.

The Bill Enacts, *That the Provision in the said Statute 5 and 6 Edw. 6. for the Judges to give and grant Offices, as they might have done, shall not be construed for them to sell.*

Reason. The Statute 12 Rich. 2. cap. 2. 18 Edw. 3. Stat. 4. and 20 Edw. 3. cap. 1. then and still in force, being duly put in Execution, will hinder the Judges from selling, for they are thereby prohibited to take Fee or any thing of Value, of any but the King.

The Bill Enacts, *That every Chancellor, Keeper, Commissioner of the Great Seal, Keeper and Commissioner of the Privy Seal, Treasurer or Commissioners of the Treasury, Steward and Chamberlain of their Majesties House, Judges of all Courts; in short, every one called to ordain or make Officers under him, shall be sworn to take no more, in or for any thing relating to the Execution of his Office, than the Salary allow'd by their Majesties.*

Reason. He that reads the Earl of Devon's Case in Cook's 11 Report, will find what the Crown was wrong'd, under the Umbrage of rusty old Iron, claim'd as Perquisites by the Master of the Ordnance.

The Statute 12 Rich. 2. cap. 2. provideth, that every of the Ministers aforesaid shall be sworn accordingly; so that it is no new Law, but a revival of the old, which needed not reviving, would all Men be as they ought. We live in an Age wherein Persons obey rather for fear of Punishment, than love of Virtue: It were therefore well, if instead of an Oath all publick Offices were to be dispos'd of by Lot, viz. a certain Day, Hour and Place to be appointed, and the Office written in one piece of Paper, and it, and as many other pieces of Paper as there be Competitors well qualify'd, to be made up in Rolls alike, and put into a Hat, and the Person who draws the Paper with the Office written in it, to have it: Then the Disposition of Offices for Mony or Favour, will be shut out of doors; and there may be a saving to their Majesties in special Cases to reward whom they in their Royal Wisdom think fit with Offices.

You will find in the Statute-Book, in the Preface to the Laws made in the 20th Year of King *Edward* the 3d, that the Judges contingent Fees and Perquisites were look'd upon to be the cause of the King's breaking his Oath, in not seeing the Laws duly and impartially executed, and of his Subjects Complaints: whereupon, by the first Act made that Session, the Judges had their Fees and Perquisites taken away, and had Salaries certain settl'd in lieu thereof; and that Act is still in force: Yet the Officers in their Petition to the Lords in Parliament lately against a Bill to this purpose, set out Offices to be their Freeholds by purchase of the Judges; and some Judges insisted upon Fees and Perquisites to be due to them.

No Fees to Judges formerly.

Altho until 1641, it was adjudg'd Bribery for any in judicial Office, to take Money for an Office, Fee, Gift, or ought of Value, *Co. Inst.* fol. 145, 148. because not any thing maintains our Liberty and Property but Justice; and Justice will never be administred while the Persons in judicial Places sell Offices. *Inst.* 1 part, fol. 3. fol. 234.

Not any but will agree, Offices to be incident to the Administration, and that they may be made a standing and great Revenue; which will be paid very gratefully by Persons admitted to the Execution of Offices, out of the lawful Fees and Profits as they arise; because at the same time, the King giveth the Grantee a Boon, he receiveth but an Acknowledgment out of his own. And Offices throughout the Kingdom exceed 1000000 l. per annum; which so often become void, that taking one with another, all once in seven Years will fall into the King's Hands.

Value of Offices all over England.

Not any inferior Office is granted by name to any Minister or Judg, neither is the King nam'd in any of the Acts of Parliament which give Ministers, for the time being, power to dispose thereof. And Acts of Parliament, wherein the King is not nam'd, shall not take away the King's Right, *Inst.* 1 part. fol. 43. neither shall general Words, Use, Custom, or Prescription, *Mag. Coll. Case*, *Co.* 11. *Rep.* *Inst.* 1 part. fol. 119. 2 part. fol. 436. Not any shall prescribe to the Temporalties of a Bishop, because they are incident to the Person of the King, as Patron and Protector of the Church, *Inst.* 2 part. fol. 15. So Offices incident to the Administration, annex'd to the Imperial Crown and Dignity, are incident to the Person of the King as supreme Administrator of Justice: And the *Stat.* 1 *Hen.* 4. cap. 6. provides, That he who claims an Office, not granted by Name, shall be punish'd for Deceit, and the Grant shall be void. The Crown cannot lose the Original Right it has to Offices, other than by special Grant, *Hub. Rep.* 261. Officers compact shall not defeat the Crown, *Hub. Rep.* 347.

It is likewise against a Rule in Law, for any in Office to grant the same in his own Right to another, during the Grantee's good Behaviour: Yet some hold Offices in the Courts for their own good Behaviour, others for two Lives, and the longer Liver jointly, merely by Grants of Judges, which are expressly declar'd to be illegal and void, 18 *Edw.* 4. fol. 7. *Hub. Rep.* 153. and the Judges are enjoyn'd by the Statute 13 *Edw.* 1. cap. 44. to punish Officers; but if they in their own Right grant Offices, they are punishable themselves: and it's against the Rules in Law for any to be Judg and Party, and Rules in Law cannot be broken without doing Abuse and Deceit to the King, *Hub. Rep.* 155.

King *Henry* the 8th granted the Disposition of Felons Goods to his Almoner, and without revoking it, granted divers Felons Goods to one *Hales*. The Almoner disputed his right, because the *Stat.* 6 *Hen.* 8. cap. 15. saith, All after-Grants shall be void if the first be not recited and revok'd; yet the Grant to *Hales* was adjudg'd good against the Almoner, because he was only a Minister in trust for the King, *Co. Rep.* *Alton Wood's Case*: and the present Ministers are no other, neither have they express Power to dispose of any inferior Office by Name, as the Almoner had to dispose of Felons Goods; and (if they had) it's adjudg'd in the Case of the Master of the Rolls, which the King settl'd, to be in the express Grant of the Chancellor, or Keeper of the Great Seal for the time being, That the King was not thereby restrain'd from granting the same, *Inst.* 3 part. fol. 95, 96. And other Offices upon like Disputes about the Right between the King and his Ministers, have been adjudg'd for the King, 18 *Edw.* 4. fol. 7. *Dyer* 176. For Acts of Parliament empowering Ministers to do what the King hath Right to do, shall not bar the King; because such Acts were intended to ease the King of Labour, not to deprive him of his Power, *Dyer* 225. *Hub.* 146. For his Prerogative is part of the Laws of England, *Inst.* 1 part. fol. 119. 2 part. fol. 436.

Practice in Henry 8's Reign.

The Law ever look'd upon the injurious Acts of Persons in Office, worse than robbing on the High way; for they may destroy Men and their Posterity, by wresting the Law, either in the Execution or Interpretation thereof, to wrong Purposes:

And many Littles make a great deal ; and many thousand Abuses may be committed for one discover'd ; therefore the least Fault was ever exemplarily (a) punish'd, as appears in *Jerom Vaughan* Earl of *Devon*, and other Cases : for all Laws are to be expounded most beneficially to suppress the Mischiefs intended to be remedy'd, *Brook. 77. Inst. 1. p. 381. Alton Wood's Case, and Heyden's Case, Cook's Rep.*

The Bill. Enacts, To have a Table of the Lawful Fees hung up in every Court and Office, due to every Person in any Office or Employment therein, and to have the Statute 3 Jac. 1. cap. 7. put in Execution, and the Person taking more to be punished.

Reason. This will prevent Officers unreasonable Demands and Extortions, and was done by King James the first, and his Council : *Vernon's Book of the Exchequer (b).*

The Bill Enacts, That Fines and Forfeitures shall be duly answer'd, and Mercy shewn to such only who deserve it.

Reason. The Laws are but *Capita mortua*, if not executed, and Goads in the Sides of Government, if ill executed. We live in an Age wherein Men obey rather for Fear of Punishment, than Love of Vertue : And the Wisdom of the Law-makers, who establish'd Penalties for the Punishment of such as disturb either Crown or People in their just Rights, Liberties or Properties, never intended Officers should enrich themselves, by acquitting notorious Criminals, and oppressing such as deserve Mercy and Pity, as appeareth by the many Laws in force for that Purpose, 51 Hen. 3. Stat. Scaccarii. 10 Edw. 1. St. Rutland. 1 Edw. 1. cap. 2. 9 Edw. 3. cap. 5. 12 Rich. 2. cap. 10. 6 Hen. 4. cap. 3. 7 Hen. 4. cap. 3. 1 Hen. 5. cap. 4. 4 Hen. 5. cap. 2. 23 Hen. 6. cap. 10. 11 Hen. 7. cap. 15. 27 Hen. 8. cap. 24. 7 Edw. 6. cap. 1. 18 Eliz. cap. 5. 27 Eliz. cap. 10. 21 Jac. 1. cap. 4. 22 & 23 Car. 2. cap. 22. & 1 Jac. 2.

King Henry the 3d was told by the Parliament, that Fines and Forfeitures well manag'd, would fill his Coffers ; whereupon he punish'd *Hugo de Burgh* for the Neglect thereof. *Spelman's Glossary.*

King Edward the First allotted his Judges no Salaries but what were paid thereout, to make them careful ; and the Parliament lik'd his Contrivance so well, that they petition'd *Richard* the Second to pay his Justices accordingly ; and the Sheriffs charge the same at this Day to their Majesties by force of the Laws then and since made, *Extenta Maner. int. Record. apud Recept. Scaccarii : 4 Edw. 1. 12 Rich. 2. cap. 10. 14 Rich. 2. cap. 11.*

They that consider how much Money goes out of the Subjects Pockets, by unreasonable Levies and Exactions, which Officers take without Accompt ; what is deducted out of every Pound paid into and out of the Exchequer ; and that the Officers get 50 s. for ever 5 s. the King gets upon the Composition of Fines, and Forfeitures, and more which Officers get by withdrawing many, of which nothing comes to his Majesty ; and how liberal Ministers have been to their own Friends and Purchasers, and niggardly to Persons of Merit, and will but look back upon the many Insurrections and Rebellions occasion'd thereby, which cost this Nation vast Sums to suppress, will agree, that not any thing but a right Disposition of Offices and Places of Trust, can heal our Distempers, and secure the Government : for what has been may be, and there is nothing new under the Sun. *Ergo, Tolle causam, cessat effectus.*

Undoubtedly those Members of the honourable House of Commons were of that Opinion when they agreed at the Committee, upon Proposals presented to the House, to move for leave to bring in a Bill,

Against buying and selling Offices.

To ascertain the Fees of Officers, &c.

For their Majesties to have the first Year's Profits of Offices.

And to lay the Person's Case before the House, who had suffer'd deeply for making out and prosecuting his Proposals.

And the House agreeing with the two first Resolutions, with some Amendments,

(a) Among the many Examples of Persons punish'd, the most remarkable is that of *Judg Ingham*, who for abating but 6 s. 8 d. of a Fine due to the King, was made to build the Clock-House at Westminster, and hung the great Bell therein, which cost him 800 Marks, that the Judges and Officers may be put in mind of their Oaths when they hear the Clock strike : and it made such Impression upon *Judg Southcote* in the

Reign of Queen Elizabeth, that he being desir'd to shew Favour, said, He was not for building another Clock-House. *Cook Inst. 4 Part, fol 255.*

(b) Note, That the Parliament thought fit to decrease the Number of Attorneys, because they make the People poor by fomenting Suits. *Inst. 2 Part. fol. 250. and 578.*

induceth most People to believe, had not the House broken up before the Day appointed to consider of the other Resolutions, that the same had also been agreed to.

Now the Bill drawn is pursuant to the said Resolutions, and is no other than a Revival of the old Law: for after King *John* and his evil Counsellors had wasted the publick Treasure, and made havock of all Order and Government, by trading and trafficking with Offices, Oaths and Laws; it was provided, that Justice shall not be sold, denied or delay'd to any, *Magna Charta*, 9 *Hen.* 3. cap. 29. That not any but Persons of Merit, worthy and meet, shall be advanc'd to Offices, and not any for Mony, Favour or Affection; that he who sells an Office, shall forfeit it, and he that buys it shall be disabled to hold it. And every Person in Office is sworn to serve the King therein, according to the Laws and Statutes of the Realm, as they tender the King's Honour, and the Prosperity of the Nation, 2 *Hen.* 6. cap. 10. 12 *Rich.* 2. cap. 2. 5 and 6 *Edw.* 6. cap. 16. *Petition of Right* 3 *Car.* 1. And that the Crown and People may reap the blessed Effects of a right Administration of Justice, 'tis to be hop'd the Parliament will reinforce the Laws made 12 *Rich.* 2. cap. 2. 18 *Edw.* 3. Stat. 4. 20 *Edw.* 3. cap. 1. against Judges taking Mony for Offices, Fees of Suitors, and New-years Gifts of Offices, which blind the Eyes of the Wise, and pervert Judgment.

'Tis no new Bill, but an old one reviv'd.

The Speech of the Right Honourable Thomas Earl of Stamford, Lord Gray of Grooby, &c.

At the General Quarter-Sessions held for the County of
Leicester, at Michaelmas, 1691.

His Lordship being made Custos Rotulorum for the
said County by the Late Lord Commissioners of the
Great Seal.

Gentlemen of the Jury,

THESE being some Men in this Kingdom, who are so injurious to themselves, their Country, and the establish'd Religion they profess, that they will not allow their present Majesties King *William* and Queen *Mary* to be the lawful and Rightful King and Queen of these Realms, notwithstanding the great Consent of the whole Nation, by their Representatives in Parliament, hath most solemnly declar'd them so: I think therefore it will not be altogether a Mispence either of your or my time (before I come to the Articles of your Charge) to acquaint you, how Persons at first united themselves into Government.

Their Majesties Lawful and Rightful Title asserted.

When numbers of Men were got together, they for their own Preservation, and general Good, soon agreed among themselves, to chuse some one or more, to be their Judg, or Judges, of Right and Wrong, and to give remedy to the injur'd and oppress'd; to call them together to consult about the weighty Affairs of their Government, to head them against any Foreign or Common Enemy, to reconcile differences among themselves, and to defend both their Persons and Goods in Peace by Rules of Law.

All Government by Consent.

For there was never yet any civiliz'd Nation, either of antient or later Days, to be found, either by the Discovery of the *Indies*, or elsewhere, where Men living together, had not some kind of Magistrate or Magistrates to govern them, by their own Consent.

But

But there is a sort of Men amongst us, who by the cunning Insinuations of some disaffected Persons, are prevail'd upon to believe, that the very Species of Government is of Divine Right; but I must needs tell them, that to me it seems contradictory to the Nature, as well as destructive to the very End and Being of Government.

*All equal
by Nature.*

For if we consider that we are all equal by the state of Nature, and by that there can be no superiority, or subordination one above another; there can be nothing more rational, than that Creatures of the same Species and Rank, promiscuously born to all the same advantages of Nature, and the use of the same Faculties, should also be equal one amongst another: and were it not for the corruption and viciousness of degenerate Men, there would be no need of any other State; for every one in that State is both Judge and Executioner of the Law of Nature, which is to punish according to the Offence committed; but Men being partial to themselves, Passion and Revenge are very apt to carry them too far in their own Cases, as well as Negligence and Unconcernedness are apt to make them too remiss in other mens.

This made every one willing to give up his single Power of Rule to one or more, as they thought most fit and convenient for the publick Good; and he or they to govern by such Rules as the Community or those authorized by them to that purpose should agree on, with intention in every one the better to preserve himself, his Liberty and his Property; but not as those Persons would have it, who flatter Monarchs in Authority, that they may do what they please, because they have Power to do more than others: as if rational Creatures can be suppos'd, when free, to put themselves into Subjection to another for their own harm, which were to put themselves in a worse Condition than in the state of Nature, wherein they had liberty to defend their Lives and Properties against the Invasions of all Mankind; whereas by giving themselves up to the absolute Arbitrary Power of any Man, they at the same time disarm themselves, and arm him, to make what Prey of them he pleaseth, whenever he hath a mind to it.

*Government in
general of
Divine
right.*

I must confess, if there were but one sort of Government in the World, I should less blame the Confidence of these Men; because they would have something more to say for their Opinion: For tho I own that Government in general is of Divine Right, yet the particular Species cannot be so, because there are so many several sorts of them (which I will briefly run over) and so many several Laws fitted for them, that it cannot with the least colour of Reason be said, that either God or Nature made them, but it was the Industry of Man, as occasion requir'd, and God permitted them.

For can any one say, that God and Nature did not concur as well with *Italy* when it had but one Prince, as now when it hath so many; the like with *Germany* and with *Switzerland*, which was once one Commonwealth under the Marquesses and Dukes of *Austria*, and now is divided into thirteen Cantons, or Commonwealths, under Popular Magistrates of their own?

To come to our own Nation; *England* also was first govern'd by one or more Kings under the *Britans*, and then became a Province under the *Roman* Emperors, and afterwards was divided into a *Heptarchy*, or seven Kingdoms at once, under the *Saxons*; after that, under the *English-Saxons*, *Danes*, and *Norman* Kings, it became a limited Monarchy, as it now continues under their present Majesties: all this by God's Providence and Permission (not by peculiar Divine Designation) who suffer'd his own People the *Jews* to be under divers manners of Government, at different times: at the first under Patriarchs, as *Abraham*, *Isaac* and *Jacob*; then under Captains, as *Moses*, *Joshua*, and the like; then under Judges, as *Othniel*, *Ehud*, and *Gideon*; then under High Priests, as *Eli*, and *Samuel*; then under Kings, as *Saul*, and *David*, and the rest; then under Captains and High Priests again, until they were brought under the Power of the *Romans*.

After this, I hope none can doubt but that as to all the just forms of Civil Government, God doth concur with what the Community thinks fit to order and direct for the publick good.

*Hereditary
right of
Succession
consider'd.*

Some there are, that vainly affirm Monarchies to be so divinely Hereditary, that the People have nothing to do to resist or remove any Monarch, altho ever so Cruel or Tyrannical over his Subjects; which is a Doctrine (I think) was never believed in former Ages, as I hope I shall plainly make appear in my following Discourse, from the usage and practice of this and several other Kingdoms and Countries: which being done, I hope all Men (I am sure all that have a hearty love and value for Liberty and Property) will be satisfy'd that King *William* and Queen *Mary* are our

our Rightful and Lawful King and Queen of these Realms; and that what hath been done in relation to the late King *James*, and the placing this present King and Queen upon the Throne, is nothing more than what hath been oft-times practised in former Ages in this and other Kingdoms: and that the like Changes in Government have been, I shall endeavor to make out by several Instances.

And first I will begin with foreign Nations, in which I will be as short as possible.

There were in *France* two great Changes made in the Royal Line; the first from the Race of *Pharamond* to the Line of *Pepin*; the second from that of *Pepin* to *Hugo Capet*, whose Posterity enjoy it to this Day.

Childerick the Third was depriv'd for his evil Government by the States of the *Childe-Kingdom*, and *Pepin* chosen King in his stead; and as long as his Race prov'd brave rick deposed Kings, and acted for the Common Good, they were continu'd Kings; *Lewis* the Third, and *Charles* surnam'd the *Gross*, were both depriv'd by the States of *France* for their ill Government, and such as were thought more worthy appointed in their stead. This all their Historians agree in.

Those who write of *Spain*, do say, that *Flaveo Suintilla* was depriv'd for his evil Government, together with all his Posterity, and *Sissinando* chosen in his Room. *Spanish Instances.*

Don Pedro, surnam'd the *Cruel*, for his injurious Proceedings with his Subjects, was dethron'd; the *Spaniards* call'd in his Bastard Brother *Henry* that liv'd in *France* (who came to their assistance, and slew *Don Pedro* hand to hand) and they chose him King, whose Posterity reigns now.

In *Portugal* *Don Sancho* the second was depriv'd by the Universal Consent of the *Portugueses*, and *Don Alonso* his Brother set up in his stead.

Christierne King of *Denmark* for his intolerable Cruelty was deprived, and his Wife and three Children disinherited, and his Uncle *Frederick* was chosen King.

In *Scotland* the Nobility and Gentry took up Arms against *Durustus* their King for his intolerable Cruelty, and slew him and his Confederates in Battel, and put his Sons by, and chose *Even* his Brother King; who leaving a Bastard Son, call'd *Gillo*, the Kingdom was confer'd upon him. *In Scotland.*

Cratby Cinthus having surpriz'd and slain *Donald* for his Cruelty and Tyranny, was unanimously chosen King. And,

Ethus for his ill Government was depriv'd, and *Gregory* was made King in his stead.

As for *England*, I will mention some few before the Conquest (vulgarly so call'd) who were *Archigallo*, *Emerian*, *Vortigern*, *Sigebert* King of the *West-Saxons*, *Beorn-red*, and *Alured* King of *Northumberland*; all these were depriv'd of their Thrones for their cruel and evil Government, and others more worthy put in their stead.

King *Edwin* being depriv'd for his unjust Government, the Crown was given to his Brother *Edgar*, who prov'd a most incomparable Prince.

There are several more Instances, among which was *Egbert*, who obtain'd the Crown, tho not next in blood; and as for *Adelstan* he was Illegitimate.

After the reputed Conquest, you will find that upon the death of *William* the first, his Eldest Son *Robert* was put by, and *William Rufus* his Brother, and the third Son, was elected King. After his death his younger Brother *Henry* the First, tho not the next Heir, was chosen King by the Peoples full Consent, tho not summon'd by Writ. Next *Stephen* was chosen King against the Right of *Maud* the Daughter of *Henry* the first; then *Henry* the second against the Right of his Mother *Maud* then living. After the death of *Richard* the first, *John* Earl of *Morton* was elected King, and *Arthur* the right Heir disinherited. *Henry* the third was chosen against the Right of *Eleanor*, Prince *Arthur's* Sister. At the death of *Henry* the third, the States of the Kingdom met, and settl'd the Government by appointing Officers, and doing what else was necessary for the defence of the Realm. And *Edward* the fourth was declar'd King by the People, his first Parliament recognizing his Title to the Crown, *Henry* the sixth then living. *No Hereditary Succession observed in England.*

Tho I could go on farther, yet I will stop here, because I have mention'd enough to put it past all Contradiction, even by the most prejudic'd, that the several Forms of Government are not of Divine Right, tho Government it self be: And also, that our present King *William*, and Queen *Mary*, are our Rightful and Lawful King and Queen of these Realms; and that none can be Friends to Government in general, nor to this wonderful and happy Revolution, who go about to maintain the contrary, or take the Oaths to this Government with any mental Reservation, or particular Explanation.

I could wish there were no such Men in this Kingdom ; but yet it is too plain there are amongst us such as do not care what Fire and Heat they cause, so they can but warm themselves by it.

I beg your pardon, Gentlemen, that I have kept you so long ; nor would I have done it, but that I thought it as proper to acquaint you with the nature of Government in general, as well as the Rightfulness and Lawfulness of this, before I came to tell you the parts that you are to act, and the business you are to do to support it and your selves, which is to present all those that are guilty of Treasons, which are either High or Petty Treason. High Treason is compassing or imagining the death of the King or Queen, and declaring the same by open Deed, or overt Act ; killing the Chancellor, or Treasurer, Justice of the one or other Bench, or other Justices in Eyre, or of Assize, or Oyer and Terminer, in their places doing their Offices ; Counterfeiting the Great or Privy Seal ; Counterfeiting, Clipping, Washing, or filing of the Current Mony of this Realm for lucre or gain ; absolving the Subjects from their Obedience, or reconciling them to the Obedience of the Church of Rome, in both the Reconciler or Reconcil'd.

*Who are to
be present-
ed.*

Petty Treason is, when a Servant kills his Master or Mistress, the Wife her Husband, &c. And Misprisions of Treason are those that conceal any sort of Treasons, or harbour the Traitors, knowing them to be such.

Murder, under its several Denominations, whether the Person did kill another out of Malice, or by Accident, or by defending himself ; which way soever it be, the Law is so tender and careful for the loss of a Man, that it requires an Inquisition to be made after it, that so the Offence may be punish'd according to its Nature.

All sort of Robberies, whether on the Road, or in Houses, open, or shut ; the stealing of Horses, or other Cattel, abroad or elsewhere : and to prevent that and other loose and idle Living, the Law does provide Punishments for Poachers or Destroyers of Hares, or Partridges, Pheasants, Rabbits, and Deer, in and out of Parks ; Alehouses or Tipling-houses, which receive and entertain leud and idle Persons at unseasonable and unusual hours ; Vagabonds and sturdy Beggars ; all Constables for neglecting their Duties, or taking more than their Dues ; and other Officers, as Registers, Clerks, and Bayliffs. The Law is so careful to prevent Men in Office from oppressing the People, that there can be no Oppression which it does not take notice of to punish. I must yet add this, that tho I have omitted several Particulars, yet that does not excuse you from presenting all other Offences which come to your Knowledg ; which I doubt not but you will do without either Favour, Affection, or Malice : So you will perform your Oaths justly and uprightly, and do God Honour, the King Service, and your Selves and Country Right : And so I leave you to your Enquiry.

The

*The Speech of the Right Honourable
Henry Earl of Warrington, upon his being
Sworn Mayor of Chester, in November 1691.*

Gentlemen,

I AM much oblig'd to you, for the respect you have done me, by putting this Trust into my hands; and your Kindness is the greater, because you did it without any Sollicitation on my part; for I did so little expect it, that I was extremely surpriz'd when I read my Predecessor's Letter, which gave me to understand, that your Choice of a Mayor for the ensuing Year was fallen upon me. It is a great Trust that you repose in me, and I hope I shall not disappoint you in the Confidence you have of me.

It is with some Inconvenience to my private Affairs, that I have taken this Journey; yet had my particular occasions suffer'd more, I should have made no difficulty in postponing them, when an opportunity offers it self of doing any Service to the Publick, or to this Corporation; neither could I have been excusable, if I should have put so great a slight upon the Respect and Good-will of my Friends, as to refuse to serve them in this, or any other Capacity.

By the Oath I have now taken, I have oblig'd my self before God and the World, to that, to which my own inclinations did zealously dispose me; for it was with extreme Grief, when in the late Reigns I beheld your Liberties and Franchises were ravish'd from you. What in me lies, shall not be wanting to repair those Breaches that have been made, and to prevent the like Invasions for the future.

I hope during this King's Life we are out of such Dangers, since the offering up of Charters can be no acceptable Sacrifice to him, because he came to the Crown upon *English Principles*; and governing by *such Politicks*, is that alone which can make him *Safe and Glorious*. But you may remember that of late we had two Kings, to whom nothing was so acceptable, as the submitting our Religion and Liberties to their Arbitrary Wills and Pleasure; and this Nation was then so unfortunate, as to have a Party in it, tho much the least, who were industrious to comply with those two Kings in their wicked Desires.

The first step made by that Party was in their fulsom Addresses, where they deliver'd up themselves and all they had, to be disposed of at the King's Pleasure: Making no other claim to their Liberties and Civil Rights, but as Concessions from the Crown; telling the King withal, that every one of his Commands was stamp'd with God's Authority, and a great deal of such nauseous Stuff, much fitter to be offer'd to some Eastern Monarch, or the *French King*, than to a King of *England* governing by the Laws of the Realm.

Well had it been, if their Falshood and Flattery had gone no further; but contrary to their Oath, and the Trust reposed in them, they proceeded to the Surrendring of Charters: A thing so contrary to Justice, and inconsistent with the Fundamentals of the Government of *England*, that if such Surrenders can be justify'd, I don't see what can be dishonest or unlawful. Yet such Proceedings became a Test of Loyalty, by which they thought to recommend themselves to the King's Favour, whilst those who dissented in this point were accounted disaffected to the Government, and were loaded with all manner of Reproaches. But Gentlemen, till then it never was accounted Liberality, to be generous at the expence of others; nor the usual way of recommending a Man's Fidelity, by betraying of a Trust; nor to bring a Man's Word into Credit by making light of an Oath.

*Fulsom
Addresses
in the late
Reigns.*

*Charters
surrender-
ed.*

These things I mention, not that I desire to keep up divisions amongst us, or to discourage any that are sorry for what they have done, and are willing to come into the Interest of this Government; for I wish from my Soul that we were all of a mind: but I mention these things, to testify my dislike of such Proceedings, and to shew how much I desire to prevent the like for the future. For I am sure no Man can be hearty for this Government, who does not abhor such Proceedings as these were. And saying this, it puts me in mind of an Observation which I have made for some time, which is this, That generally those People who refuse to take the Oaths to this King and Queen, are such as were active in, or consenting to the surrendring of Charters: which shews they are Men of extraordinary Consciences, who think it unlawful to swear to this Government, and yet could think it not only lawful, but an act of unshaken Loyalty, to break their Oaths, and betray their Trust.

If there be any such in this Corporation, I hope they are but few, and will serve as Examples, not of Imitation, but Admonition, to put others in mind of their Oaths and Duty.

Preservation of Liberties recommended.

Gentlemen, Let us preserve our Liberties and Freedoms: he is the most Loyal Subject that walks the nearest to the Laws; he that preserves his Freedom and Birth-right, is better able to serve his King and Country, than he that has parted with them. Had not our Forefathers observed this Rule, we had had no Liberties to boast of; and surely we are bound to leave our Posterities in the same Freedoms which we received from our Forefathers. Therefore let us bless God and the King for our wonderful Deliverance; and let not the Aversion of some to this Government, make us remiss in our Duty.

But *Gentlemen*, in saying this, I don't design to persuade any Man to rigorous Courses, or to stretch the Law beyond its fair and natural Construction, to serve a turn; I will never practise it my self, nor advise another to it; I utterly disliked such Proceedings in the two late Reigns, and I am now no better reconciled to them. Let every Man have Right according as the Merits of his Cause shall deserve: Let no Man's Complexion or Opinion weigh at all. This Impartial Method will best support the Honour and Peace of the City: Such fair Treatment will convince many of the Reasonableness and Justice of this Government; at least it will in a great measure stop the Mouths of Gainfayers, and cannot fail to meet with good effect. What I have more to tell you is, that I shall ever pray for, and endeavor the Prosperity of this City.

*The Speech of the Right Honourable
Henry Earl of Warrington, Lord Delamere,
to the Grand Jury at Chester, April 13. 1692.*

Gentlemen of the Jury,

THE Preservation of the publick Peace, is the Occasion that hath call'd us together at this time; in which no Man can be remiss or negligent, when he considers, that his particular Interest, as well as his Duty, doth indispensably oblige him to do what in him lies to support it. In order to this, that which is now more especially expected from us at this time, is, *Occasion of the Speech.*

1. To inquire into the Neglects of those in whom the Law hath reposed any Trust: And,
2. To discover those who have broken or violated the Laws, that such Criminals may be brought to condign Punishment.

And since the Execution of the Laws is our proper business; and that the Laws should have their Course, is absolutely necessary to the being of the Government; therefore it may not be impertinent (as I conceive) at this time, to say something of the Nature of Government, and particularly of our own Constitution: or rather, it seems necessary to take all occasions to explain it, considering what variety of Opinions there is amongst us, of that which is, or ought to be, the Supreme Authority or Power in *England*.

Many Wise and Learned Men have written of the Nature of Government, and given excellent Definitions of it; but of all others, the Learned *Aquinas* seems to me to have done it in the fewest and plainest words; says he, 'It is a rational Ordinance for the advancing of the publick Good. And next to him is *Plato*, whose words are these; 'Government, or Law, says he, is to Preserve the huge and indigested Lump of a Multitude; and to bring all Disorder into Proportion, so as to become a Harmony.

Several others have spoken to the same purpose, which I omit, because I will be as little tedious as I can: But two things are observable from hence.

1. That Order and Peace is, or ought to be, the end of every Government. *Of the nature of Government.*
2. That in every Government there is some particular Principle that runs through the whole Scheme of that Constitution; and as that Principle is follow'd or neglected, so accordingly it goes well or ill with the Publick: that is, when those who are intrusted with the Executive Power, do pursue that Principle, every thing moves regularly, and the Government is firm and stable; but when they steer by any other Measures, the State doth unavoidably fall into Disorders and Convulsions. So that whoever he be that is plac'd at the Head of the Government, if he desires to have the Hearts and Prayers of his People whilst he lives, and that After-Ages shall bless his Memory, it is necessary,

1. That, in general, he resolve to govern well: And

2. Thoroughly and rightly to apprise himself of that Principle that is the Soul of the Government; or at least that he be advised by such as are most likely to know it, and will give him faithful Counsel; otherwise he will be like a Traveller, that in the Night misses his way upon some large Plain, wandring he knows not whither, and is more like to meet with some disaster, than to find his way.

Having said this, it is natural for you to expect that I should tell you, what that Principle is, which is the Life and Foundation of this Government. *Principal Foundation of this Government.*

If I am not much mistaken, and I am verily persuaded that here I am not, I take it to be this. 1. That every Subject of *England* hath so clear a Property in his

his Life, Goods, and Estate, and every thing else which he lawfully possesses, that they nor any of them can be taken from him, nor ought he to be disturb'd in the enjoyment of them, without his voluntary Consent, or for some Offence against the Law. 2. And in the next place, That there be not a failure of Justice; that is, that no Man be left without Remedy, where his Right is concern'd, and that every Criminal be punish'd according to the Demerits of his Offence.

No Prerogative above Law.

I am apt to believe that every Man will think, that this is very agreeable to natural Reason, and then I do not see how it can be inconsistent with the Prerogative of the Crown; tho I know that not very long since, and I fear yet, there are some who carry the Prerogative much higher than it ought, in placing it above the Law: But nothing, save the Iniquity of the Times, and the Depravity of such mens Manners, could support or give countenance to so senseless a Thought; for they are very ignorant of the Nature of Prerogative, if they think it is a Power to do hurt, and not to do good. Certainly the King's Prerogative is to help and relieve the People where the edg of the Law is too sharp and keen; and not a Power by which he may oppress and destroy his Subjects. Men are to be govern'd by a Power that is guided by Reason, unless we can suppose that they have no more understanding, and are of no greater value than the Beasts that perish.

Absolute Regal Power oppressive.

It was said by one who was a very competent Judg in the Case, as I remember it was Sir John Fortescue, That it is a greater Power in a Prince to be restrain'd by Law from oppressing, than to have an absolute Regal Power. And says another, The Way of Governing must be both right and clear, as well as the End; and how this can be expected, when a King is guided by no other Rule than that of his unbounded Will and Pleasure, I do not see, any more than a Man can depend upon the Weather.

Do not all Examples of it that ever were prove, that absolute Power and Oppression are inseparable, and as naturally proceed the one from the other, as the Effect doth from the Cause?

Power above Law not God's Ordinance.

'Tis a Riddle to me, how that Prince can be call'd *God's Ordinance*, who assumes a Power above what the Law hath invested him with, and useth it to the grieving and oppressing of his Subjects: May not the Plague, Famine, or Sword, as well be call'd *God's Ordinance*, since one no less than the other is sent by him for the punishment of that People whom he so visits?

We may reasonably suppose, that Order and Peace are much rather the End of Government, than Oppression and Violence, because *God is a God of Order*; and when he sent the *greatest Blessing* upon Earth, it was *Peace*: and tho God was often very wroth with the Kings of *Israel* and *Judah* for their Idolatries, yet the innocent Blood they shed, and the Violence and Oppression which they committed, provok'd him more highly, and with his severest Judgments he always testify'd his displeasure against it.

I could run out into a large Discourse upon this Subject, but I will stop here, because I am perswaded, that what I have already said is sufficient to convince any one who is unprejudic'd, That an *Absolute Power* is so far from being the Right of the King of *England*, that the exercise of such a Power is unlawful in any King.

Doctrine in the late Reigns.

I know very well, that in the late Reigns this Doctrine would not have been endur'd; to have said then less than this, would have cost a Man his Head: For whoever would not then comply with Arbitrary Power, was call'd a *Faction Man*, and an *Opposer* of the Government. But is it not Nonsense, or very near akin to it, to call that *Seditious* that is for bringing things into Order, and for maintaining the Laws and supporting the Government? Arbitrary Desires never did any King good, but have ruin'd many. It shook King *Charles* the Second's Throne, and tumbled down his next Successor; and tho such Kings are left without Excuse when ruin'd, yet I may say, they are not only in the Fault, for their Overthrow is in a great measure occasion'd by those who preach up, and advise the King to Arbitrary Power.

Arbitrary Power in Kings cherished by Flattery.

Did not other People cocker up and cherish Arbitrary Notions in Kings Minds, tho such Conceptions might sometimes get into their heads, yet they would never fructify nor come to perfection, if they were not cultivated by Parasites who make their Court that way, in hopes to raise themselves, tho with the hazard of their Master's Crown; as it befel the late King *James*, whose Male-Administration render'd him unmeet to sway the Scepter. And I am very well satisfy'd that the Judgment

Judgment upon him was just: for unless a People are decreed to be miserable, which God Almighty will never do, except thereto very highly provok'd by their Sins; certainly he will never so tie up their hands, that they shall not be allow'd to use them when they have no other way to help themselves.

Several Artifices were made use of in the two late Reigns, for introducing Arbitrary Power and Popery: one of which was, to insinuate into the Minds of the People, that the Succession of the Crown was the chief Pillar of the Government; and that the breaking into it upon any pretence whatsoever, was no less than a Dissolution of the whole Constitution, and nothing but Disorder and Confusion could ensue.

Divine Right of Succession preach'd up in those Reigns.

This Doctrine was boldly then preach'd up, and prevail'd with many, and obtain'd no less than if the Crown had been settled in that Family by an Ordinance or Decree dropt down from Heaven, and that every one of that Line or Race had been distinguish'd from the rest of Mankind, by more than ordinary Virtues and Endowments of Mind and Body. But we know not of any such Divine Revelation, and happy had it been for this Nation, if that Family had been so signal for its Justice and its Piety; we might then have prayed, That there might not want one of them to sit upon this Throne to all Ages. How much this Nation is oblig'd to that Family, we very well remember; for the Wounds they gave us are not yet healed.

Election was certainly the Original of Succession: for as the living more safely, and with the freer enjoyment of their Goods, was the original Cause that People associated themselves into a Nation or Kingdom; so for the better attaining that End, they did set over themselves the best and wisest of their Brethren to be their Rulers and Governours; and this Administration was trusted in one or more hands, according to the Temper and Disposition of the Person; in which Authority they continued either for their Lives, or for one Year, or for some other stated period of Time.

Election the original of Succession.

Where the Government was under a King, he usually held it for Life; and then upon his decease the People proceeded to a New Election, till at last it fell into the hands of some very excellent Person, who having more than ordinarily deserv'd of his Country, the People, as well in gratitude to him, as believing they could not expect a better Choice than in the Branches that would grow out of so excellent a Stock, entail'd that Dignity upon him and his Posterity. And this seems to be the most natural and lawful Rise of Succession.

I do not deny, but some Successions have arisen from Force, but that was never lasting; for it could not subsist or seem lawful any longer than there was a Force to support it.

Now when Princes come to the Crown by the first way of Succession, I mean by the Consent and Approbation of the People, does not that plainly imply, That they ought to use that Power for the Good and Advantage of their Subjects, and not to their hurt, and enjoy the Crown only upon that Condition? No Man would ever suffer a Monster to inherit his Estate; and Kings are no more exempted from the Accidents of human Nature, than their meanest Subjects; and it is every days practice in private Families, to exclude those that will waste their Estates, and ruin the Family: and if the Reason will there hold good, then it is so much the stronger in the Descent of the Crown, by how much the good of the whole Kingdom is to be preferred to that of one Family.

Several ways of Succession.

Nor is Succession so very antient in England as some People may apprehend: Till the Time of William the First, commonly tho falsly call'd the Conqueror, it was look'd upon as a very precarious Title. The next in Succession could make but little reckoning on the Crown, further than his good Inclinations and Sufficiencies to sway the Scepter, did recommend him to the Affections of the People. It being then very common, not only to break into the Succession, but even to set aside all that Family and Line, whenever it was known that the Publick might suffer by their being at the Head of the Government; the Publick Good being the only Rule and Consideration that govern'd that Point.

William the First declar'd upon his Deathbed (and that is a time when Men do seldom prevaricate) That he did not possess the Crown by an Hereditary Right. William the Second must be allow'd by all People to come in by Election, because Robert his elder Brother was alive, and survived him. Next to him was Henry the First, who also came in by Election, because his eldest Brother Robert was yet alive; and this Henry in his Charter acknowledg'd, that he owed his Crown to the Mercy of

Succession often not observ'd.

of God, and the Common-Council of the Realm. King Stephen, Henry the Second, Richard the First, and King John, all came in by Election; so that till Henry the Third, there is scarce to be found any Precedent of Succession, and since his Reign the Succession hath been broken into several Times, and the Crown shifted from one Family to another by Act of Parliament; and being so transferred by that Authority, it is the greatest Proof that can be, that Succession is a very feeble Title, without something else to support it, and I think I may say defective.

For, says one of great Authority, never did any take pains to obtain an Act of Parliament, to settle his Inheritance on his Heirs, except he were an Alien, or Illegitimate; and therefore considering that by virtue of an Intail of the Crown by Act of Parliament in Henry the Seventh's Time it is, that the Four last Kings have swayed this Scepter, I could never understand that Divine Right which was by some stamp'd upon the Title to the Crown, or that the Succession was preferable to the Publick Good.

King's Title vindicated.

I have endeavour'd to explain this Point the more, by reason that some object against the Sufficiency of this King's Title to the Crown, because the Succession was broke through to let him into the Throne; as if nothing could give a King a good Title to the Crown, but Succession. For my part I never saw any reason to be of that Opinion; and if there be nothing but the Interruption of the Succession to object to this King's Right, if he continue to govern according to the Principle upon which the Crown was given him, and according to the good and laudable Customs of the Realm, I think every Man that wishes well to the Interest of his Country, ought to bless God for this Revolution.

In my poor opinion, I do not apprehend that a King that comes to the Crown by Election, should think worse of his Title than if he had come in by Succession, but rather the more securely; because the People are under a more immediate Obligation to stand by and support the King they have elected, than any other that takes the Crown by Succession: nor that the People should suspect that they hold their Properties and Rights more precariously under a King that is Elective, than under one that claims the Crown by Succession, but rather the contrary; because it more highly imports him, as well in point of Gratitude as in that of Policy, to preserve the good Opinion of the People by governing well, than if his Title was by Succession. For I am far from believing that a King who comes in by Election, may make more bold with the Laws, than he that claims under any other Title; or that his Right to the Crown continues any longer, than by his Administration it doth appear that his Interest is the same with that of the Nation.

Divisions amongst Protestants very pernicious.

The next Deceit by which the Nation was to be gull'd into Popery and Slavery, was by fomenting Divisions amongst Protestants, and especially about the Terms of Communion, making them so strict and narrow, as to exclude the greatest part of the Protestants in England, and Nine parts in Ten of the rest in the World.

That this was not to promote God's Glory, and the Salvation of Mens Souls, but to serve some new Design, is clear to me from several Reasons.

Penal Laws against Dissenters executed with rigour.

First, Because the Laws against Dissenters were stretch'd and executed beyond their genuine and natural Intent or Construction: Where fair Play is intended, such Tricks are altogether needless; but daily experience proves, that when they are made use of, some other thing is design'd than what is pretended. True Religion needs no such Methods to support it, the nature of which is Peace and Charity: and besides, such forc'd Constructions being nothing less than *summum Jus*, are abhorred by our Laws, and are looked upon no less than *summa Injuria*, the highest Injustice.

Secondly, The second Reason for my Opinion is, because that several Laws were put in execution against the Dissenters, which were plainly and directly made for other Purposes, by which the Law it self suffer'd Violence; and so it became evident to every Man that had a mind to see, that some foul Design and not the Church was at the bottom of the business.

More care to punish Nonconformists than to reform Lives.

Thirdly, Another Reason is this, Because more Diligence and Care was employ'd to punish People for Nonconformity, than to reform their Lives and Manners. For if a Man were openly wicked and debauch'd, and very scarce, if ever, saw the inside of a Church; yet if he could talk loud, and swagger bravely for the Church, and storm against, and pull the Dissenters to pieces, he was cry'd up by all means for a good Son of the Church, an honest Man, and truly affected to the Government: Whilst those who could not come up to all the Ceremonies enjoined in the

Rubrick,

Rubrick, tho their Lives in all other respects were upright, and their Conversations unblameable, yet were call'd *Villains* and *Rogues*, and *Enemies to the Government*; as if the outside and ceremonious part of Religion was more to be valu'd than the Substance and Essence of it: Which puts me in mind of a Passage I have met with in a Play, which is worth your hearing if I do not spoil it in the telling; it is in the Play call'd *Sir COURTLY NICE*, betwixt two Persons, one is call'd Mr. *Hothead*, a very idle profligate Fellow, but who yet sets up for a great Son of the Church, and cannot speak or think with patience of any thing that inclines to Moderation; the other is call'd Mr. *Testimony*, as rigid and ridiculously squeamish on the other hand in his way: these two falling into a great Dispute about their Opinions, *Hothead* out of his great Zeal to the Church, treats Mr. *Testimony* with very scurrilous Language, and bitter Invectives against him and all Dissenters; as that they were the Plague of the State, and that he hoped to see them all hang'd, and declares the mighty Concern he hath for the Church. To which *Testimony* replies, Pray, good Mr. *Hothead*, forbear your indecent Language, you are too rude in your Expressions; what need you trouble your self about the Church, seeing you your self never go to Church? To which *Hothead* in great fury presently makes answer, with a horrid Oath, What tho I do not go to Church, yet I am for the Church? This, Gentlemen, I believe you and every Man else can easily apply.

Sir Courtly Nice quoted.

I could never yet meet with any Precept in all the Gospel, that doth justify such Proceedings as I have mention'd; but there are several that expressly condemn it. To me it seems altogether inconsistent with that Charity which is expected to be found in all those that hope to enter into Heaven; and it seems to be little less than *teaching for Doctrine the Traditions of Men*, and to add to God's Word, which is prohibited under no less Penalty than that of Damnation.

Those Laws inconsistent with Christian Charity.

I am far from being against Order and Decency to be observ'd in the Church, yet under that pretence we are not to forget the Rule of Charity: And I cannot see wherefore *those should be terms of Communion, that are not terms of Salvation*. I was always of opinion, That it would never go well with *England*, till every Man might worship God in his own way; for nothing can be more unreasonable than to expect, that a Man should believe otherwise than according to the Conviction that is upon him, or that one Man's Opinion should be a Rule or Guide to another Man's Conscience.

Terms of Salvation ought to be Terms of Communion.

And therefore I cannot but wonder at those who take offence at the late Act of *Indulgence*; which tends so much to our Peace, by quieting the Minds of the People as to their Religion, which hath ever been the Handle to our intestine Troubles; the Incendiaries of the State having ever made use of it as the best Pretence to embroil the Nation. And therefore I, for my part, do think that the *Act of Indulgence* was a necessary and pious Work, and cannot imagine why any Man should think that to be a disservice to the Church, that tends to the Peace of the Nation. They who do so, I must believe, are not much concern'd in the Cause of the Church and their Country, and care not what is uppermost, provided they can but make fair Weather for themselves.

Therefore, Gentlemen, if any speak to the disadvantage of the *Act of Indulgence*, you ought to present them as disaffected to the Government, and sowers of the Seeds of Division in the State.

But I desire to be rightly understood; I do not say this to dissuade any Man from coming to the Church, for I go constantly thither my self, and I wish every body could do it as easily as I do; and I wonder 'tis otherwise, for I never yet heard any good reason for the practising the contrary. Yet I think unless a Man be satisfy'd in that way of Worship, 'tis better to keep away than to come, for otherwise it is to mock and not to serve God: and on the other hand, it is no less a mocking of God, when a Man from an over-assurance of the *Gift of Prayer*, shall adventure to pray in Publick, without having before-hand well digested the Matter and Words; and therefore may happen to let fall crude and nauseous Expressions, such as would be ridiculous in private Conversation; for I am far from believing, that Nonsense can be the effect of Fervency, but rather of Affectation, or something that is very reprovable.

None ought to come to Church that is not satisfy'd with the way of Worship.

And here it will not be amiss or improper, to take notice of those Persons who go to no Church at all, but spend the *Lord's Day*, commonly call'd *Sunday* (as the Statute hath it) in an Alehouse, or otherwise idle it away very unprofitably: against such as these, was that Law of Twelve-pence a Sunday intended; and were it

Going to no Church at all censur'd.

it duly put in Execution, a great deal of that dishonour that is done to God by such Profanation, would be prevented, and the Poor would be reliev'd with less Charge to their respective Parishes. I wonder the Petty Constables are not more careful to make true Presentments at every Petty Sessions, of those who herein offend; the Glory of God, and their own Interest being so nearly, I may say so immediately concern'd.

*To suppress
customary
Swearing.*

The next thing I would recommend to you is, as far as in you lies, to suppress that horrible Sin of customary Swearing, whereby the tremendous Name of God is every day blasphem'd.

It is too true, that scarce any Man when provok'd, or in a Passion, has guard enough over himself to prevent his taking the Holy Name of God into his Mouth; and if any of us fall into that sad Misfortune, we ought solemnly to beg forgiveness for it: But yet that whereby God's Honour suffers most, is customary Swearing; when Men do not think they express themselves handsomly without a horrible Oath, or more, to fringe off their Sentences. It is such a daring Familiarity with God Almighty, as no Man would allow to his best Friends.

I believe there is not any of you, Gentlemen, but would be very angry to have your own Names us'd upon every slight and trivial Occasion; and if so, I will not imagine that you will be less concern'd for God's Honour than your own.

*High-ways
to be re-
pair'd.*

It is a shameful thing to see how very much the High-ways are generally neglected and out of repair; the Fault of which does mostly lie at the door of the Overseers, whose chiefest care in them now adays, is how to shuffle off the Matter for their time, being very little concern'd for what comes after them: and by this means they bring at last a great burden upon their Townships, which would have been prevented by a small Charge if but taken in time; and so the Township suffers thro their neglect.

*Vagabonds
to be ap-
prehended.*

There are very good Laws against Vagabonds, but the execution of them is shamefully neglected; and it is strange it should be so, considering what encouragement the Law gives for the apprehending of such idle People: For who ever brings any of those Wanderers before a Justice of Peace?

The Towns thro which they last past unpunish'd, is to pay two Shillings apiece to him that apprehended them. Tho this Reward carry no weight with it, yet the great Mischief that those sort of People bring upon the Publick, should make every body vigilant.

It is an incredible Sum that they cost the Nation in a Year; and considering how many Townships and Parishes are oppress'd, and almost ruin'd by the Accidents that are hereby brought upon them, it is wonderful that People should rather chuse to forswear themselves than do their Duty; but so it is in this Case.

Were these Wanderers duly punish'd, it would reform many of them, and discourage others from following so bad an Example; whereas the great remissness of Constables and other Officers in this point, is a great temptation to many who otherwise would think of some more lawful, as well as profitable ways of living: A neglect and slowness to punish, increases the number of Offenders.

These things, Gentlemen, I in particular recommend to you, not as all your business, but yet as things that cry aloud for redress: for there do fall within your Enquiry, High-Treasons, Petty-Treasons, Felonies of all sorts, whether against the Person, Possession, or Goods of a Man; Riots, Routs, and unlawful Assemblies, and every thing that is an Offence against the Publick Peace: in which I am not more particular, because I fear I have held you too long already; and therefore I will trouble you no farther, but pray God to direct you in your Business.

The

*The Charge of the Right Honourable
HENRY Earl of Warrington, to the Grand Jury
at the Quarter Sessions held for the County of Chester,
on the 11th of October, 1692.*

Gentlemen,

PEACE in a Nation is like Health in a natural Body, whose Value is not sufficiently known, but by the want of it; and herein God Almighty is wonderfully gracious to this Land, not only in continuing to us the Blessing of Peace, but in teaching us the worth of it, by letting us see the Nations round about us in War, and groaning under all the miserable Effects of it, whilst it is kept at a distance from us, and we are only at some Expence which is unavoidable, all Circumstances consider'd, unless we will submit to that Monster the *French King*. And indeed God hath done so many and great things for us, that nothing is wanting to compleat our Happiness, but our selves.

Of all the Mercies this Nation hath lately receiv'd, I think our Deliverance from King *James* was none of the least, if it be a Mercy to be deliver'd from Popery and Slavery. Deliverance great.

That we were in great danger thereof, I think was very evident from what we had suffer'd, and what King *James* apparently further design'd to have done, had he been let alone a little longer; for his Administration was become so exorbitant, that Men of all Persuasions (many of the Papists not excepted) did think his Yoke intolerable, and that it was highly just to be reliev'd against his Oppressions; for when the Prince of *Orange* landed, scarce any Man appear'd for King *James*, nay a great many of his Army deserted him; which Coldness and Neglect could not probably proceed from any thing so much as from the ill Opinion they had of his Cause.

Now if any that were then so indifferent, and passive, have lately conceiv'd a better Opinion of him, it may well be suspected that a particular Pique, or some sinister Biass guided their Motion at that time: and if so, it's no matter what side they are on; for those who are govern'd in such cases by any thing but a publick Principle, are easily turn'd about by every Breath of Air. Nor can I imagine what can give any Man a better Opinion of King *James* now, than he had of him before he went into *France*, the only place, as he says, he could retire to with safety; considering how improbable it is, that any Instructions which that Tyrant may give him, will make him less inclin'd to Popery and Arbitrary Power. No ground for believing better of King James now than before.

Before I come to the Particulars of your Enquiry, give me leave to say something of a great Deliverance which God wrought for us this Year.

To talk of Plots and Conspiracys against the Government, may be rather to tell some People News, than that which they do believe; because we have already heard of many Discoveries of Plots, but none that have been prosecuted; and for that Reason men may be inclin'd to think they were rather fictitious than real Plots against the Government.

Plots sometimes are not prosecuted, either because of the great Indulgence of the Government, being desirous to gain people rather by Mercy, than by being too extreme to mark what is done amiss; or it may be, because the Government hath a more than ordinary Tendernefs for that sort of People; or it may be, because some of the Ministers of State are concern'd in them: But whether for any of these Reasons, or others, it is that we hear of no great Prosecution of those Discoveries that have been made, I will not pretend to determine, time will best explain this and other Mysteries of the like nature. Plots not believ'd because not prosecuted.

Yet this I will adventure to say, That it is not so safe a Rule to measure Plots by, whether they be true or false, by the Remisness or Forwardness of the Government in prosecuting of them, as to consider how far it is the Interest of the Persons accus'd to carry on such a Design. And herein every Man of a reasonable Understanding is as capable of giving a Judgment, as the Ministers of State.

*Credulity
not com-
mendable.*

I would not encourage any Man to be over-credulous in believing Plots; and yet there are some Conspiracies that carry their own Conviction along with them; as it will always be the Interest of the Papists to bring in Popery, and of the Non-Jurors, and those who take the Oaths in a double Sense, to bring in King *James*. Nor would I be the Occasion of pushing on a Prosecution with too much Violence; and yet to be too remiss is an Error of the other extreme, and seems to intimate, that either the Government is afraid of them, and dare not call them to account, or else it is necessary to oblige that sort of People all it can: and whenever either of those cases falls out, it is sooner or later mischievous, if not fatal to the Government.

*Invasion
from
France de-
sign'd last
Year,*

I suppose you have heard that King *James* intended to land here the last Spring with a *French* Force: tho this seems to be already forgot by some, yet I am verily persuaded that many People believe it, because of the Notoriety of the thing. For they that doubt of it, may as well question whether there was a Gunpowder Plot; for it is as plain as a thing of that nature can be, which has not actually taken effect.

It was wonderfully prevented; first by the Easterly Winds that continu'd so long together; and next by the happy Success of our Fleet, even beyond what any Man could have hop'd for at that time. All things consider'd, it was wholly the work of God, and to his ever blessed and holy Name be the Praise and Glory of it; tho the Nation hath not yet made so publick an Acknowledgment of it, as it usually doth upon less Occasions than that was.

The defeating of that Design is a Mercy never to be forgotten; for we do not yet know of any Design that was ever form'd against this Nation, that could have been more bloody and destructive than that would have been.

*King J. his
design.*

For King *James* in his Declaration doth expressly say, That his Intent is to spend the remainder of his Reign, as he hath always design'd since his coming to the Crown.

These Words speak a great deal of Comfort to *England*, for they cannot mean less than what he hath already done.

*His illegal
Actions
whilst on
the Throne.*

When he took the Customs against Law.

Carry'd on Sham-Plots by his Countenance and Bribery, to destroy honest and worthy Men.

When he ravish'd the Corporations of their Liberties and Franchises.

When he turn'd out Judges for acting according to their Consciences, and fill'd the Benches with the Raff of the Gown.

When he avowedly set up Popery, and erected publick Chappels in all parts of the Kingdom.

When he plac'd notorious Papists in the Seats of Justice, and brought a Jesuit into his Councils to preside publicly there, which was more than any Popish Prince ever did.

When he set up a High Commission Court.

When he kept up in time of Peace a numerous Army, to the Terror of his Subjects, and allow'd so little for their Quarters, as that it amounted to little less than free Quarter.

When he assum'd a dispensing Power, and declar'd that he would be obey'd without reserve.

These and a great many other Irregularities were the Product of his Reign; and it is not very probable that he is brought to a better Temper by any thing that he hath seen or learnt from his Conversation with the *French* King; and it is as little probable that that King would have treated him as he hath done, had he discover'd in King *James* any Disposition to govern more mildly and reasonably for the future.

*King J. his
French
designs.*

How much he is influenc'd to the contrary, is very evident, by designing to bring in the *French* upon us; the People of all others this Nation ought most to dread, being the old and irreconcilable Enemy of *England*. For whoever looks into History, will find that *France* has occasion'd more Trouble to *England*, than all the World besides. Nay there has scarce been any ill Design against this Nation, but

but *France* hath had a hand in it ; as if their very Climate did necessitate them to be at Enmity with us.

When any of the Kings of *England* have had a Design upon the Peoples Liberties, they have entred into a Confederacy with *France*, as the People of all others most likely to serve their Purpose ; and it has always gone ill with *England*, when our Kings have made an intimate Friendship with the *French* King, as we may remember by woful Experience.

Let us consider, besides, that no People under the Sun are at this day so noted for Treachery and Cruelty as the *French* ; of which they have given such pregnant Instances upon the Protestants of their own Nation, and in their new Conquests, as were never done by the most barbarous and unciviliz'd People. For after Terms agreed on, and submitted to, without any new Provocation, or other Occasion given by those poor Creatures, the *French* have fallen upon them, taken from them that little that was left, and in cold Blood murder'd them, sparing neither Age nor Sex. And shall not we then think our selves in a comfortable Condition, when we have such Task-masters as these set over us ?

The French noted for Treachery and Cruelty.

But it seems these are they by whom King *James* hopes to be restor'd to his Kingdoms ; it is by these that he means to do his Work, and they are the Instruments he will imploy to make the Settlement he designs in *England* : for in his Declaration he plainly tells us, That if those he brings over with him, are not sufficient, he has more of the same sort ready at hand.

Now, tho a Reconciliation with King *James* were practicable under a Supposition that there could be any moral Assurance that he would sacredly keep his Word, and that he had more just and righteous Intentions than heretofore ; yet to come in such Company, and to bring such a Train along with him, makes it impossible to all those who have not abandon'd all Sense of Religion and Morality, and are not resolv'd to run into all the Excesses of Cruelty and Oppression.

No Reconciliation practicable with King James.

But that nothing might be wanting to give Success to this fatal Enterprize, and make our Ruin more certain, several Persons in *England*, I believe some in every County, were not only privy, but consenting to it, and had prepar'd Horses and Arms to assist the *French* at their Landing ; yet of what Profession or Communion they are, I forbear to name, and leave that to be explain'd when they are call'd to account : and therefore only shall say in general, That they who could so take the *French* by the Hand, may well be suppos'd to have renounc'd the Protestant Religion, and the Interest of their Country, and all Bowels of Compassion to their Posterity, and are resolv'd to keep pace with the *French* in the Murders and Havock they shall commit ; for there is no looking back, after being engag'd in such Undertakings ; the least Remissness would render them suspected, and bring them in danger to be involv'd in the common Destruction.

The Landing of King James known to many.

After all this, what these Men will call themselves, I know not, for they cannot pretend to the Name of Protestants and *English* Men ; what they deserve, I shall leave to the Law, which is to judg them.

Such deserve not the name of Protestants.

What we are always to expect at their Hands, when they shall have Power and Opportunity, I think, without breach of Charity I may adventure to say, is all the Mischief and Ruin that our greatest Enemies would bring upon us.

What we are to do, is to bless God for bringing the Design to light before it took effect ; and to do our best endeavours to detect those who are concern'd in so unnatural Design, that Justice may pass upon them.

For, are not such as these more to blame than any others, who were to have a hand in this Matter ? Was it not more unnatural and unreasonable for them to join with the *French*, than for the *French* to have such a Design against us ? Would not their joining in it have been the chief Inducement to bring in the *French* upon us ? For such an Attempt is altogether impracticable, without holding an effectual Correspondence here, or else to surprize us, when we are together by the Ears in a civil War ; so that in effect it is they that had brought all the Desolation that would have fallen upon their Native Country, if that Design had but once taken effect.

He that can be consenting and assisting to the rooting out of the Protestant Religion, and Ruin of his Country ; what other thing is there that can be so bad, which such a one would refuse upon the score of Honour and Conscience ?

The wickedness of the Design against the Protestant Religion.

May not a Man, without being thought severe, say, What profligate Wretches are these ? What Accommodation can be made with such Persons ? And what

Security from them can be hoped for longer, than they want opportunity to hurt us?

Is it not then the Duty of every Man, that hath any concern for his Religion or Property, to do what in him lies to discover and bring these Projectors of our Ruin to Justice?

Perhaps you may not receive any clear Information, such as will legally convict any Person of being engaged in the Design I have mention'd; but you may receive such Information as will convince any reasonable Man, that they are concerned in this, or some other foul Practice against the publick Peace.

*Jacobites
presum'd to
be concern'd
for K. J.*

Those who have refused the Oaths to this King and Queen, cannot be supposed to be altogether unconcerned for King *James*; but if any such had provided themselves with Arms, or unusual numbers of Horses, this is what ought not to be passed over unregarded: It must be for some purpose that they had so furnished themselves, for People do not usually put themselves to that Expence, but when they have a prospect of making use of them; their refusing the Oaths is Evidence sufficient that they did not design those Horses and Arms for the Service of the Government; then it will naturally follow, that it was against the Government. There is no medium in such Preparations betwixt being for or against the Government; He that is not with us, may in reason be suspected to be against us.

*Arms and
Horses
bought
up.*

If any Persons, who have not taken the Oaths, and long before this Plot had provided themselves with Arms, yet either upon a Rumour of searching for Arms have conveyed them away, or before that Report had dispersed them into Hands that are not well affected to this Government, or else not duly qualify'd to keep such Arms, these may justly be suspected of having some ill Intentions: or wherefore should they put them into the hands of other People, but with a design to imploy those Persons in the using of them? And then can any Man suppose, that it was intended for the Service of this Government?

*K. James's
Landing
much
talk'd of
before.*

There is a Report of a sort of People, who for some Months before the time that King *James* intended to land here, talk'd very much of it, and what powerful Assistance *France* would give him for that purpose. If you, *Gentlemen*, shall be informed of any such, it is your Duty to take notice of it, because it is plain by what has come to light, that they did not speak without book; they could not make such Discourses for want of having something to say, but to encourage People to come into it, and to promote the design. For Men do not purposely bring on such Discourses as will render them suspected, and expose them to the displeasure of the Government, but out of a prospect of some advantage.

I do also hear that several, who had formerly taken the Oaths to this King and Queen, did about the time that this Design should have been put in Execution, refuse the Oaths, being upon occasion tender'd to them and others, who at that time did wish they had not taken them.

*Refusers of
the Oaths
suspected.*

If, *Gentlemen*, you shall be informed of any such, you ought not to pass it over in silence; for by their refusing the Oaths at such a time, they justly render'd themselves suspected, that they were at least privy to that intended Invasion of the *French*. It is a vain Excuse to pretend they did it out of Conscience; for if they thought it lawful heretofore to take the Oaths, how comes it to be less lawful now? But if some prudential Consideration, and not Conscience, prevail'd with them at first to take the Oaths, there is then very little reason to imagine, that there was more of Conscience in refusing the Oaths at that or any other time, but rather that they were making fair weather against some expected Revolution; for otherwise, why of all others was that time pick'd out to discover an Aversion to this Government?

*Spreaders
of false
News.*

Gentlemen, If any endeavour to lessen the Victory we had at Sea this Summer, and to cry up the Naval Force of *France*, those do bring themselves under the Suspicion of being no ill Wishers to the late Design of the *French*; for wherefore should any desire to make our Success to appear less than it is, if he were not sorry that we had got the better? And wherefore should he extol the *French* Power at Sea, if his good Wishes did not attend their Designs, or else did thereby hope to keep up the hearts of the *Jacobite*, *Frenchified* Party, that they should not despair, but expect some favorable Opportunity to put their Design in execution? For they must intend either good or bad to us thereby; and which was most likely, I leave to every Man to judge.

I mention these things, not that I am of opinion, that any or all of them put together, without some other direct proof, is Evidence sufficient to convict a Man upon

upon a Trial; for God forbid that any Man should be condemned but upon a fair Trial and clear Evidence.

But I take notice of these things as they render Persons justly suspected to be privy to, or approving of the late Design against this Nation, which as every honest Man ought to abhor, so it is his Duty to keep a watchful Eye over them; because I am far from being of an Opinion that they have given this Design over as a lost Game, by reason that it was laid so broad and deep, and so many are concerned in it, that the Success of it is of the last consequence to them, their only Safety being placed in it; and besides, because of the encouragement they do receive from the unfortunate Divisions that are amongst us.

Grounds of Suspicion.

And there is yet another thing, which I apprehend is no small cause of encouragement to them, and that is the little haste made by the Government to call them to account.

Of all the Ills of the two last Reigns, in my opinion nothing was so treacherous and devilish as that of making Parties amongst us, that we might become our own destroyers: for as it was the surest method to effect our Destruction, so if any thing should interpose to prevent our ruin, yet nothing is more difficult than to make up such a breach; and therefore the best that could be hoped for from it, was to entail upon this Nation heart-burnings, and all the fatal Consequences of it.

Parties Self-destroyers.

I have the Charity to hope that many who helped to carry on that ruinous design, did it more out of ignorance, than out of any ill intention. I believe the Arbitrary Sermons, deliver'd as the Oracles of God, might draw in a great many unwary People; others might comply out of hopes of Preferment, or fear of being harass'd by some powerful Neighbours. But as new Light is sprung up, so I wish from my heart, that Men would walk accordingly. If any Man was misled in the late times, it is not his shame, but duty, as a wise and honest Man, to repent of his Error, and forsake it; for he that shall be convinced of it, and yet will persist in it, will find very few to whom his obstinacy will recommend him.

If any do think they were in the right, when they serv'd as Bauds to the Arbitrary Lusts of the two late Kings; I heartily pity them, for their case is desperate: yet I am persuad'd that none of them would of choice have had such a Power exercised upon themselves; and if so, they must grant, that what they would not have done to themselves, is not lawful for them to do, or bring upon others.

Servants to the Arbitrary Will of the two last Kings, Who?

If they adhere to what they did, either out of hopes of Preferment, or fear of being crush'd by those in Power, they must believe that this King and Queen are resolv'd to go by the same Methods that were taken in the two late Reigns, or else that nothing else will make this King and Queen safe and glorious.

Were the rest of Mankind of this Opinion, this World would be a miserable place: surely Mankind was born for some nobler End than so; or else one would suppose that God had made Man not after his own Image, but rather that of an Ass, or something else that is beneath a Rational Creature.

For is it not ridiculous, that any thing should be more excellent and knowing than that which is to govern it? Is an insatiable desire of Power preferable to that Reason with which Man was indu'd at his Creation? Must a Man give up that to which he has a clear right both by the Laws of God and his Country, because another who is at that time guided by his passion desires to lay hold of it? What Justice can any Man promise to himself, when Passion is above the Law? What signifies Law, if the King's Will must be the measure of our Obedience? To what purpose are Parliaments, and all those other Provisions which our Forefathers made to preserve our Liberties, if Prerogative were in truth that Omnipotent thing, which it boasted it self to be in the late Reigns?

Reason more valuable than Power.

That Man is surely out of his way, that is beside his Reason: Had Men been guided by it, and nothing else, there had been no misunderstandings about Government: Reason will not mislead us, but other things will; be resolv'd to follow that, and you will be sure to approve your selves in the sight of God and Man.

Having said this, I will now proceed to the Particulars of your Enquiry.

The first of which is, High Treasons; of which there are several Sorts and Species, both at Common-Law, and by Statute-Law; but those only that are made such by some Statutes, are those that fall within your Enquiry.

To compass or imagine the Death of the King or Queen, and that declar'd by some Overt and plain Act, is High-Treason by the 25 Edw. III. but such Acts must be

What Treasons to be enquir'd in to.

be direct and clear, void of all Implication, or other Construction, or else it will not make it Treason within this Statute : for this Statute was made to take away constructive Treasons, and thereby reliev'd the Subjects against an unspeakable evil, under which they had labour'd for many Years ; for till then the Judges took an extravagant Liberty in stamping Treason upon almost any Offence that came before them, which cost many an innocent Man his Life, contrary to all Reason and Justice ; so that this Statute was a very beneficial Law for the Subject.

To levy
War a-
gainst the
K. or Q.

To levy War against the King or Queen in their Realm, or to adhere to their Enemies in the Realm, or to give them comfort here, or elsewhere, is High Treason by the same Statute.

But a Conspiracy to levy War, is not Treason, unless the War be actually levied, tho the contrary Opinion prevail'd in the late Times, whereby several worthy Men were murdered.

It was a very far-fetch'd Opinion, and could never have obtained but in that or some other corrupt Age, when all Law and Justice was given up to the Will and Pleasure of the King : For my Lord *Coke* is express in it, That unless the War is actually levied, it is not Treason ; and I remember in the Debate in the House of Lords upon the Bill for reversing my Lord *Russel's* Attainder, the Lords were unanimously of Opinion that it was not Treason, and upon that ground chiefly they passed the Bill.

To counterfeit the Great Seal is High-Treason by 25 *Edw.* III. and very good reason it should be so, because of the great Authority it carries along with it : it would be often attempted to be done, and thereby innumerable mischiefs would follow, and breed a great deal of Confusion.

To coun-
terfeit the
King's Mo-
ny.

To counterfeit the King's Mony, or to bring in false and counterfeit Mony, knowing it to be such, or to make Payment with it, is High-Treason by 25 *Edw.* III. and so it is to clip, file, or wash Mony, by 3 *Hen.* V. And very good reason it should be so, for these, and every of them, are a great Offence against the Publick. For Mony being as it were the Sinews of the Nation, to impair or counterfeit it, is a great loss and damage to the Publick ; so that the Offence in so doing, is not because it is marked with the King's Image ; for the *French* Mony, and the *Spanish* Coin and others are current in *England*, which have not the King's Image upon them : but the true reason is because of the great interest the Publick has in it ; and it would be the same thing if the Mony had any other Stamp or Size put upon it by Publick Authority.

To kill the Chancellor, Treasurer, or the King's Justices, being in their Places, doing their Offices, is High Treason by 25 *Edw.* III. It is very great reason that they who serve the Publick in such eminent Stations, should have the publick Protection ; for when they faithfully and honestly discharge their several Trusts, the Publick receive great advantages by it, and therefore this Offence was made High-Treason.

To coun-
terfeit the
Sign-Man-
ual.

To counterfeit the Sign-Manual, Privy-Signet, or Seal, is High-Treason by 1 *M.* 6. and I think it is so by 25 *Edw.* III. to counterfeit the Privy-Seal. And the reason why the Offences in these Cases are made so capital, is, because of the great detriment they bring upon the Publick.

To promote a Foreign Power is High-Treason by 1 *Eliz.* and very fit it should be so : for every Man will allow it is a great Offence to set up any other Power in opposition to the publick Authority.

A Priest or
Jesuit
being in
England is
Treason.

For a Priest or a Jesuit to come and abide within this Realm, is High-Treason by 27 *Eliz.* I believe a great many People have been under a very great mistake in this matter, supposing it was upon the score of Religion that the Priests and Jesuits were put to death ; whereas it was quite otherwise, for it was upon a Political account that they suffer'd, it was for an Offence against the Government that they were executed. For it having been found by experience, that this sort of Vermin by their Doctrine and Practice sow'd the Seeds of Division, and thereby wrought great Disturbances in the Nation ; it was therefore thought fit by the Parliament to take this way as the most effectual to keep them out : for as what they did, amounted to nothing less than Treason, so it was highly reasonable that the Punishment should be commensurate to the Offence. And since it is become a Law of the Realm, if this sort of People will be so presumptuous as to break it, they have no body to blame but themselves, if they suffer by it ; for it is a very just and reasonable Law.

To absolve any from their Allegiance, or to be absolv'd, is High Treason, by 3 Jac. 1. The Law does heighten or abate the Punishment, according as the Offence does more or less affect the publick Peace; so that the more it tends to the publick Prejudice, the greater is the Offence: and what can strike more directly at the ruin and overthrow of the Nation, than to withdraw the People from their Allegiance, and to become the Destroyers of their Native Country? And since those that absolve, and those that are absolv'd, have thereby declar'd themselves Enemies to the Nation, it is very fit the Government should treat them as such.

The next Offence is Petty-Treason; as for a Wife to kill her Husband, a Priest *Petty-Treason.* his Ordinary, a Servant his Master; these are made so Capital, because of the Obedience and Subjection which they ought to pay, by reason of the Power and Authority which the Law gives the other over them.

The next Offence is Felony, and it is either against the Person, or the Goods, or Possession.

Against the Person of another:

To kill another with Malice prepensed, either expressed or implied, is Mur- *Killing.* der.

Designedly to cut out the Tongue, maim or disfigure another, is Felony with- *Felony.* out benefit of Clergy.

To stab or pistol another, without a Weapon be drawn, or a Blow given by *Stabbing.* the Party that is slain, is also Felony without benefit of Clergy.

And so is Buggery with Man or Beast, a Sin that could never have entered into the thoughts of Man, till they were fallen to the lowest degree of Depravity.

So it is to ravish a Woman, that is, to have the carnal Knowledg of her Body against her Consent; and so it is to lie with a Child under ten years old, tho with her Consent.

So is Witchcraft; but it is an Offence very hard to prove.

So is Poisoning, the most secret and treacherous way of Murdering, of all o- *Poisoning.* thers; an Offence so abhorred by the Law, that by Statute 22 Hen. 8. c. 9. it was made Treason, and the Judgment was, to be boiled to Death; but it is since alter'd and made Felony, by 1^o Edw. 6th, c. 12. It is surely an Offence that deserves a severe Punishment, because there is no Fence against it: In all other Cases a Man has some means of defending himself, but in this none.

All these Felonies are Death without benefit of Clergy.

Manlaughter is when two fall out, and fight immediately, or so soon after, as it *Man-* may be supposed that that Heat continued, and one of them is slain: Here there is *slaughter,* benefit of the Clergy, because there does not appear to be any premeditated Ma- *what?* lice.

To kill another by Accident, doing a lawful Act, is Chance-medly; and if a Man is assaulted by another, and in his own Defence he happens to kill him, these the Law pardons of course.

Felonies against the Goods or Possession of another, are such as these, viz.

To rob on the High-way; for the Law will protect the Goods and Persons of *Robbing on* those who are upon their lawful Occasions; and it is very reasonable that those *the High-* who travel on the Road, should have some such Guard, or else the Trade and *way.* Business of the Nation would be very much obstructed, and suffer great damage.

To take away any thing privately from the Person of another; if the Punishment of this were not great, it would become a great Trade, for it is so easily done, and so hard to be prevented, that a Man's Mony would be safer any where than in his Pocket.

To steal a Horse.

Designedly to burn a Stack of Hay or Corn; if it be done by Accident, it is but a Trespass; but being done by Design, it carries so much Malice and Wickedness along with it, that it justly deserves to be punish'd with Death.

To rob a Church.

To break into a House, and take any thing thence by Night, or by Day; for this carries a double Offence along with it; for the Goods of another are not only feloniously taken from him, but he is also put in fear of his Life, where he ought to be most secure, and undisturb'd, which the Law accounts a great Offence.

To rob any Booth in a Fair or Market; this became so common a Trade, that all other Remedies to prevent it prov'd ineffectual; and therefore it was made Felony without benefit of Clergy, as are the rest that I have mention'd.

*Accessories
guilty.*

The Accessories to all these and other Felonies do fall within your Enquiry; for generally where benefit of Clergy is taken away from the Principal, the Accessories before the Fact are likewise to suffer Death: and good reason is it, that he who is partaker in the Crime, and without whose Concurrence and Assistance it could not have been effected, should fall into the like Condemnation.

Petty-Larceny, what.

Petty-Larceny is the stealing of a thing that is under the value of 12 *d.* tho it is a small Offence, yet the frequency wherewith it is committed, requires your care to suppress it; for the truth is, there is a parcel of idle wandring People, whose whole business is to go from place to place to strip Hedges, and commit such like Offences.

There are several other Offences that are inquirable of by you, but I omit to mention them, because I believe your own Observation will help you therein: Only thus much I will observe in general, that whatever is an Offence against the Publick Peace or Plenty, falls within your Enquiry. And having said this, I will keep you no longer from your Business.

The State of Parties, and of the Publick, as influenc'd by those Parties in this Conjunction, of- fer'd to Englishmen.

Printed a-
bout the
Year 1692.

TIS a miserable Circumstance, and the general Ruin of prosperous States, when Parties out of separate Interests and Passions pursue different Ends of their own, without regard to the Publick, altho the chief Interest of each: But it is a Circumstance beyond common Misery, a Propensity to Ruin more than natural, and a Fatality on Mankind, greater than has been ever observ'd perhaps in any Country or Set of Men, that they should be divided into Parties from the Publick Interest, when there is not so much as any real particular Interest, in effect, carrying on in any of those different Parties; not any of these discriminating Interests so laid, or so pursued, as that, by all the violent Steps taken by the Engagers, they are any ways advanced. So that altho Violence be done, and still doing perpetually to the Publick; tho all contend for the promotion of that Interest or Party under which they only look for any Happiness: Yet for all this, not one of these Interests receive any Advantage; not one of these Parties are likely to procure or come any thing near their End.

Our Nation must be allow'd to be in a most compleat way to Misery, if this be proved their Case.

*Parties of
two sorts.*

That there are Parties 'tis well known. The first great Division is between King William and King James, which takes in all our present active Men: For as for Commonwealths-men, which some would have to be a third distinction, besides the Turn it serves at Court, it has no meaning; unless the quiet part of England, those tired with Revolutions, and farther Engagements with Men of these Days, or those that are divided in their Thoughts upon the Interests of either King, as they stand to England; unless, I say, these be they call'd Commonwealths-men, however absurd it be.

*The Jacobite Party
and their
Interests.*

Of these two Interests, that of King James does properly make but one Party, tho the other two. Those, I say, make but one Party, as they act in the Publick: for they having in prospect only, and as the End of all their Agitations, the Government of King James; they are not now divided, nor can be yet, whilst unprevailing, in any Dispute or Difference considerable about Administration, as how, by whom, or in what Methods, favouring one or other Party, that Government shall be carried on. The side then of the now-governing King being turn'd into

Whig

Whig and *Tory*, there are but three Parties that pull different ways, or with any noted Force in the Publick Affairs.

The meaning of all these Men, if they have their main Interest, their Stake, Estate and Friends in *England*, is and must be to preserve *England*, tho not from perfect Monarchy, and absolute Power of a Crown at home (which some approve of and like the best, whatever Name of Tyranny or Slavery it has heretofore gone by) yet to preserve us, at least, from the Yoke of Foreign Power, from being overgrown by States that are about us, and coming down from being the principal in Power and Riches, to be the last of *Europe*, or but once inferior to any of these neighbouring ones; which will turn to as much, since it necessarily subjects us to the Miseries of those Invasions we indured of old, as then the Common Prey of all the World, and every rising Nation. This surely, whatever else may be his Interest, is the Interest of every individual *Englishman*, in all these Parties to prevent: But if this be what is least done; if this not only be not prevented, but be the only thing that every Party, every Side, tho not intentionally, yet really, does draw on, advance, promote, and nothing else, no not their Party-Interest, not any valuable Victory or Triumph that one may gain above another, so much as gratifying a Passion; Then are we in that State I mention'd, in the fairest, most miraculous way that can be thought on to every thing that can be call'd Ruin or Destruction to a Country.

That when we lose our Strength, we are more miserable than any other People, the surest Seat of the most various, sharp and lasting War, Experience the most remarkable that ever was has taught us, from the highest remembrance of our selves thro *Romans*, *Danes*, *Saxons*, and many Nations more (tho less remark'd) down to the last *Normans*, and that concluding Conquest which by the Power of the Conqueror abroad, and the Continuance of his Line here, establish'd us on our own Bottom. And that this was not mere Misfortune, bat that it is a Fate peculiar to us, I mean, that it is a natural Evil to us more than any Country, when we are low; whoever studies our Situation, and the Growths of Nations on the Continent, will know, that such a Country as this is more disputable than any other: that the Dominion of it cannot be so fixed, and the immediate Masters of it, however powerful on the Continent, not able to insure to themselves the Possession of it, by holding it out against Strangers, or guarding it from their Enemy, so well as of other Places; that this is in that Sense as a Frontier Country; with this difference, that those that are really Frontier Countries, tho they are so this day, may have the luck not to be so a little while after; but that this Country has always the Nature of a *Frontier*, ever to maintain War in it, and to be the Subject and Place of Contention amongst those that are stronger than it self, whenever such there are.

In fine; That as we are an Island, and have the Sea round us; so by being Masters of that (which is, in short, by being in the practice of it most, and can be no otherwise) we must of consequence be the strongest in the World, as the World is now turn'd to Navigation, and each Country by degrees at length brought to depend absolutely on Trade, by wanting many Necessaries from Foreign Places, which once they could live without perhaps, but since cannot, nor can defend themselves without: this being the Change that the improv'd Art of Navigation has made in the World; tying Countries to a reciprocal dependency on one another for their Growths, and obliging them to some sort of Correspondency. But on the other side, that as we are the strongest in Situation by being an Island, the Dominion of the Sea suppos'd to be with us: so that being lost to us, and in any other hands, or divided amongst others, we are of all the most and worst expos'd.

This being granted, it follows, that whatever Circumstances of ours admit other Nations, Foreigners, whatsoever to grow (tho at the same time we were granted to grow too) so, as in proportion, above us in Navigation and Trade; this necessarily subjects us to all the Miseries before pointed at, and is the direct way leading to a Consequence no ways to be evaded: for when that Work is done, and the Advantage once given up, whatever Party do (as they think) their Work, 'tis altogether vain to imagine that any such Party, or any Party whatsoever prevailing in this Nation, or all of them united in one, can call it back, or by any Means, Arts of State, Treaties or Engagements whatsoever, be able to turn off that inevitable Evil that must light on all at once. And if this be the Consequence of all the Actings of every one of these Parties at present; if in the seeking of their own Ends they are likely not so much to prevail either of them over another, as to reduce us

into this State, this irrecoverable Consumption and Debility, with all the Consequences proved; then it will be found that in the Methods now taken, they act constantly against, but for no Interest that can be call'd their own.

All Men naturally follow their Good; and it might be well objected that it were only a Notion, and in effect impossible, that Men should act thus, as I say, were it not thro Ignorance; such as is indeed in our Case, *the want of a sufficient Conception and real Sense at Heart, of what is the sole Safeguard and Support of our Country*; the want of truly considering how Matters stand, as to that, and how amidst all, that is likely to be effected, which must (as I have said) affect us at last above every thing else. And such a blindness as this it is that Men are kept in by their Passions, by the heat of Party, and the Animosity of personal Quarrels, or so that by the Resentment of some present Uneasinesses, Men are hinder'd from thinking on greater Evils at some distance off, and not yet absolutely felt, tho just impending.

Now to charge every Party singly, according to what I have said, and the Imputation of Inconsistency that I lay on them; I instance first in those, as to the generality, who carry on King *James's* Interest in their Endeavours, and make his Party.

The Jacobite Interest consider'd.

First, Then suppose that 'twere a Service to his Interest to have us weak at Sea, sunk in our Trade, in loss of Seamen, Ships, Builders, and all Materials and Artsmen belonging; what would it avail to his Friends (if *Englishmen*, and to no others do I speak) to have him here fix'd in his Government, nay fix'd even with every one's Consent here at home, if suddenly we found our selves thus low? How should we e're regain this Loss? how e're come up again with other Nations? Will they stand idle, see us take Breath, and let us rise; or will they stay for us, and stop so long as till we grow again into our place above them? If not, how shall we avoid the Consequences above set down, and taken I suppose for granted, *viz.* that if we lose the practice of the Sea, we are then revolv'd again into our old State, mere naked *Britans*, his that can take us; and (according to the natural and constant practice of Mankind) by their Station about us, and their then readier access to us than any other place, by lying so fair, and so on all sides open; the assured common Prize that every Nation fights for, when aiming above others, or when but in the slightest Quarrel?

When once the Stroke is given that brings on this Condition, when once our Naval Sinews are cut; How is it that King *James* shall be fix'd here? How is it that either his or any Government shall be said to be fix'd here with us, when we our selves, as a People, should then belong to others, or lie at Power to belong to them? which, as Mankind and States are constituted, is not far different, since Power to take, and taking, are in those Cases never far asunder; and since Parties are now easily made within a Nation considerable enough to serve a Turn, and for any Invaders to ground upon; and that all Invasions, tho as perfectly so as those of *Goths* or *Vandals*, can be colour'd now with Reasons of Religion and Justice, and as who even for the very Benefit of the invaded People. For no Countries hardly now are ever conquer'd but by a Force (as *Manifesto's* and *Declarations* set forth) intended for their Relief and just Establishment: And the Name of *Conquest*, that comes to be establish'd after full Success, is found to have been preceded by, and owe its Production to the very Names, however dissonant, of Assistance or Deliverance.

In short, if once we are exhausted in a War, so as that our navigating Art, and all the Means of it, be shared amongst Foreigners, and the Current of our Trade drawn into other Channels; which by no Art can be retrieved, nor any Change of Fortune, but by a Turn that may give us the Advantage that we gave, and when all else are fighting, give us Peace; an Accident the hardliest to be imagin'd, since when once weak, we are above all others the surest to feel every Dispute, and often like to be the chiefest Subject. If this come ever to be our Condition, as it is endeavour'd to be now made, let any Nation whatsoever give us, or return us a King; if this be the Terms of such a Gift (whatever other Terms be made) if this be that that is to bring it about, any *Englishman* will have but a sorry Bargain, and such a King will be of little worth to us, or we to him. Grant that the Nation we receive him from be not, in the end, upon the account of the lowness we shall be reduc'd to, left Masters at Sea of all the World; and grant that they were not near so by Land either; Yet of what benefit will this be to us? If any benefit, it will be this, That that way 'twill not be determin'd whose we shall be, the other way it will: the one way

way we are a Province, and must serve immediately; the other way we remain to be fought for, and the Dispute must be in our own Land, perhaps by more than two at once.

If this be right, then not only they who serve this Court in the present Way, serve *England* ill, but they too who serve King *James* in such a way as is sure to sink us; set any other Neighbours over us in Navigation, and do our work as to that business: They, in effect, I say, do nothing for themselves as *English* Men, nothing for King *James* as an *English* King. Jacobites
act not as
English
Men.

But then that these sort are doubly mistaken, appears by this: For that it is not the likeliest way to introduce King *James* (unless for *England* to be absolutely conquer'd by another Nation, be the easiest way; and such a Throne, so gain'd to him, be thought most valuable, and most a Throne) Because that if, by the Nation's Choice, he would come in, it can be only when they find an Evil in this Government greater than they felt in that they chang'd from, or that they think they would feel by his return; and then only, when the dread of that Power, that now supports him, hangs less upon them, and that they can be freed from their Jealousy of the King of *France's* governing by King *James*. Now, whilst we are losing every day at Sea; while the King of *France's* Fleets, and Privateers grow, and the Terror of this spreads; there can be nothing left to give a more absolute Horror of King *James* than this, and when an Invasion comes, to drive the body of the People from an Easiness and Unconcernedness (which otherwise they would be in towards any such Revolution carrying on) into a very desperation; which will produce the uttermost Resistance, when it may be expected they should be forc'd to yield.

The Hint that I have given may shew, I think, how much the common *Jacobites* are besides their Interest, and how well they know to wish as well for their King's particular Interest, as for the general Interest of their Country; and what mighty Service they do King *James*, and Disservice to King *William*, by their common way of talking about the Force of *France* at Sea, and their Endeavours to give still greater Grounds for such Terror.

But to come now to the Behaviour of the other two Parties that are shut up within that of King *William's*.

Every body knows there are two sorts of Men; in each of which, there are such William-
ites of two
sorts. as are engag'd to King *William's* Interest, as absolutely and without reserve, as he has requir'd of them, or can require of them, in any prostitute Sense: and yet these two are perpetually opposing one another, and make two Sides, which are commonly distinguish'd by the Names of Whig and Tory. According to the too Whigs and
Tories. good Success that the Courtier has had; we see that, notwithstanding any Interest that the Patriots (as many as there are) can make; and notwithstanding that Odium which so many of the Court-Followers have incur'd, yet there is still this Fatality, that those continue mainly prevalent in each; those move the Herd of both these Parties; those have, in effect, the sway, that are with all that Latitude I have said, engag'd in the Interest of this Court: For whoever calls this Court in question; whoever doubts its good Intention to *English* Men, to *English* Liberties and Government; whoever quotes past Declarations, or instances a present Grievance; nay, or that in Discourse is but luke-warm towards the State; a way is found (and it seldom fails) to make that Man ill thought of by the Herd, suspected by the Vulgar of his Party, and shun'd as a Deserter: For with one Party he is insur'd a Commonwealth's Man, and with the other, a plain *Jacobite*. For what else should he be, that acts against this Government? Thus with one short Question, and that equivocal Term of Government, as it is put there, the Courtier does his Business.

This shews what is understood here by Whig and Tory, meaning as the Court is prevalent over both those Parties. And as thus, let us consider how they act; whether as likely to obtain their common End in the support of this Government, in the manner 'tis suffer'd to be carry'd on by them; or whether, when that's done, as likely to obtain either of them their separate End (in prospect of which they so assist, and court this Government) and as likely to carry their expected Advantage over their opposite Party.

The Tories have it for their End to see the Church establish'd in as high Power as ever; to see it freed from the Eye-sore of Dissenters and Fanaticks; to remove the ill Precedent of *Scotland*; to set up Episcopacy in such strength as is requir'd by the Clergy-men themselves, to put them out of fear of every thing; and to have a The end of
the Tory
Party in
their de-
sign.
King

King governing with as large a Prerogative as may be; but still by the means, and under the Tuition of such a Church. The Whigs dread such a Power in the Church, and are so dissatisfy'd with what it has of that kind already, fearing what may come, that they expect a greater Security than is given them at present, that those who are Dissenters from, or under the Mark of the Church for being ill Friends to it, may never see it in a Condition to take its Revenge, or give them any Disturbance. These Men exclaim generally against all Arbitrary Power, but more especially that which the Church would introduce, and that their Enemies would most profit by.

Neither of these two Parties, towards the Satisfaction they desire, go now about the making of any new Laws, or attempt any Alteration in the present Settlement: But their Labour is, the gaining of the King, and the getting those of their Fraternity (whatever otherwise they be) into the Government. This is the only Means by which they, at this time, think to serve their Interest. This is the only Pledg they now ask for the Success of their respective Parties: Each promising to themselves that within a little time, or whenever his Majesty has made an end of his Enemies, He will declare for them, and for the future employ only the Men of their Stamp. Now, tho all this while, according to the Methods kept up between these two Parties, the Government were like to stand, yet it is ridiculous and foolish what either of these Men expect.

Neither
Party serve
well.

Wrong No-
tions of the
Church-
men.

We may, I think, be satisfy'd that (whatever we may expect from any other) this Court is not likely to be at a stand, and rest contented with the allotted Revenue and Prerogative; much less to agree to a Diminution of either: tho there be a considerable Party in *England* that think, and will still think (which will cost the Court some Opposition) that the Prerogative is at a height in some Points very prejudicial to *England*, and likely to overturn the antient Government of it, one time or other; especially, since the Nobility is now so sunk from what it formerly ever was. It must therefore be suppos'd, that when this general Victory is obtain'd, and King *William* is establish'd, either he will be immediately absolute, and have it in his Power to act as he fancies, or he will be as he now is, under the Restraint of Laws, and Parliaments to be struggl'd with. If it be the first; What is it that will move his Fancy towards the Church-Men, when under no Obligation, to reverse all the *Scotish* Affairs; act contrary to the Principle of *Holland*, and all his Protestant Calvinist Acquaintance and Relations abroad, and exasperate so great a Body as the Dissenters and Whigs here? The Church-Men must be wonderfully conceited, and have a strange good Opinion of themselves, or a very wrong one of the King's Principle and Conscience, to think he would be thus serviceable to them out of Affection merely. On the other side; If the Court be not (by being fully absolute) freed from these Restraints, but be to work its way thro, and that the Prerogative be in a craving State, and wants to gain upon the People, What can more satisfy it than the present Construction of Whig and Tory in Parliament? Is there any thing that the Court cannot carry? Whereas, if one Party were declar'd for, it would not be so. As to the Whigs, the thing is the same. This Balance that the Court has got is too useful, and shall never be departed from (so as that the Whigs shall be a jot more advanc'd) whilst the Court must use a Parliament: and if that time once come to be over, tho it is not to be thought that the Court will ever act for the zealous Church-men according to their Expectations, as above mention'd; yet on the other side, to think that then any thing will be done more for the Whigs, for the Advancement of their Persons, or in favour of their Principles, is what the least of all can be imagin'd, and is the most absurd.

Neither
Party as
such obtain
their End.

Thus, as a Party, not either of them are likely to obtain their Ends: but their Contention to be still improv'd against themselves, and they made Accessaries in their own private Loss; as subject to all the Inconveniences of such a constant Feud, without prevailing any thing by it: And, as *English* Men, instead of profiting themselves, they are only like to be made Accessaries also in the general Publick Loss, which we shall suffer as a free People, by losing all our Privileges; and as a People, by falling at length under Foreign Subjection, and all the Miseries that make even that State worse to us than other Countries.

But to know this last; Why this Government cannot stand upon its present Basis (which it is so unlikely to change) nor the Methods succeed that the Parties take to support us by this Court against our Enemies; why even this is truly impracticable, so as that they will prove in the very utmost disappointed: We must consider what it is that the Court does, and intends to do; and what means the Parties approve

approve or admit of in the Court, to carry on this War, in order to subdue the Enemy, obtain the Peace requir'd, and settle *Europe*, so as that we, with the other States of *Europe*, may not fear one common Enemy; nor we, singly here, an Enemy either secret or open, that may undermine or ruin us alone.

The purpose of this Government, the Conditions on which it rose, and the Ends for which it was erected, are known to be; For the rescuing us from a Power in the Crown, advanc'd by evil Ministers and corrupt Judges, to be superiour to all our Laws; To secure us from such an Insatiableness of Prerogative as would swallow Liberty and Property, and take away the Privileges of the Subject; To free us even from such a Disposition of a Court as could not but tend to this Effect, and from such a Ministry as nothing else could be expected under, at any time: And lastly, to remove that under which all Laws and Constitutions can make but a ridiculous Safety for us; to remove, I say, a standing Army. This being so; I say it is impossible to think how this Government can stand, if these Ends are not answered; except it fix it self here by absolute Conquest; which cannot be but with a Foreign Help: and that reduces the thing to this; That we must be a Province to that Prince or State that is in the greatest Power abroad; however we may please our selves with calling this our own Government, or our King that then shall govern us.

I say, tho this Government could free it self from the Enemy it is now engag'd with; yet, not answering its Ends, as above-mention'd; but directly on the contrary, pursuing those others it was set up in opposition to, and so (as I may call it) subverting its own Foundation, it cannot stand: For if the Foreign Force and Power of a dreaded Neighbour be no longer on foot, so as to fright Men (as at present) into the support of this Government at any rate or prospect; nor that a Foreign Force, in the hands of these Governors, overpower and conquer us; 'Tis not to be thought, that the Spirit and Principle that brought in this Government, thro all the Impediments of a then so heighten'd Prerogative, and of Passive-Obedience Principles, that are so much level'd since that time; 'Tis scarce to be imagin'd, I say, that that Spirit of Impatience against a Government, setting up the enslaving Attempts and Ministers, should be so sunk, against that comes (when it has had, all this while, such Means of growing) as that it could not make its way towards a new Change, and act another Revolution; when the same Need, with an additional Resentment and Shame for having been abus'd, together with a readier Means, and the way so much facilitated by the foregoing Precedent, invites them to it. Or, if by themselves the Party for Liberty and the discontented would not be able; yet whilst there was any of the excluded Branch remaining, they would by that means make an Effort which would perpetually shake, if not quickly overturn this Government.

But that we may prove, how that but to get thro their present Enemies, and reduce the Power of *France*, is a work but vainly expected from this Government in the Posture that Affairs are in; let us consider how this War is manag'd; how our Administration stands in respect of it; and whether, at our rate, we can so much as continue a defensive War.

Let us compute what are the Expences of the Nation in this War; what are the Losses and Charges we suffer by it; and what are the Reparations we make our selves, by the Prejudice drawn from thence to the Enemy.

Our Losses are, the exhausting of the Wealth, the Stock of the Nation, in the vast Sums drawn out from thence, for the Use of Foreign Countries, and the numerous Troops paid in those Countries: And at the same time that our Sustainment goes out, it is hindred from coming into us; we losing every day in Trade, the Profit of that still cut from us; and that of it which remains amongst us, turning in a manner against us; it being the Importation of Foreign Commodities that now chiefly drives it; and our own Part begun to be manag'd by Foreigners: by which means, we abandon to others what we are every day losing in the Navigating Practice, and the breed of Sailors and other Arts-men belonging, that should be raising among us here. And this must needs be so, since the *French*, to all effects, in Prejudice of us, remain in reality the Masters of the Sea, notwithstanding that Advantage which another Providence than that of Men, gave us over them: A Providence which turn'd that into a Victory on our side, which (according to the surest Consequences of humane Affairs, by the whole Disposition of Matters, and the Grounds, and Form of that Enterprize on foot) should have prov'd the Interception and Ruin of a great part of our Fleet, and the Execution of a Descent which

which then surely would have made it self been felt. Now, if with such an Assistance of Fortune, so far from being ever to be hop'd again, we are not able to maintain the Sea for *English* Ships to stir without being taken; that *French* Squadrons still, Monsieur *Du-Bart*, and all the other numerous Privateers, with Vessels some of 50 Guns and upwards, lie in our Channel, from off *Ireland*, and round our Coast, do what they please, take us whole Fleets of Merchant-men together, supply their King largely with what they take of ours, make Fortunes for themselves considerable, and enrich the Sea-Port Towns of their Country, that flourish now, and grow prodigiously with our Spoils: If this, by our management, be now so, and not prevented; If it be thus now, this very Season, after what has happen'd for us, how will it be henceforward? How are we like to put a stop to this? And if we do not put a stop to what already is of this kind (tho it should grow no more upon us) where must we be within a little time?

Here then we see our Losses, and where our Wasting is. And as to what Reparations it may be expected we should make our selves; we are so far from aiming at the Ruin of our Enemy, or the offending of him in this way, that we are not so much as in any prospect of being in a Condition of preventing that Ruin which comes in upon our selves this Way; tho it be properly our chief and only Ruin that comes thus.

Ways of repairing our Losses.

If this Way then we do no good; How, in what manner is it, that, in bearing all this, and by what we pay so deeply for, we are to make even with our Enemy, and more than so? How is he to be made come off at length the greatest Sufferer, in order to oblige him to yield? Where, if not here, are we to make the Impression upon him that must give him the worst in the War?

There are none except those who dream of a Descent (which tho but for the same Reasons that made it last Year unsuccessful, cannot be expected but to prove so this next, and is likely to prove more fatal to us, if so) there are none, I say, except those that under such Councils, such Ministers intrusted, and such an Administration as ours, do flatter themselves that a Descent shall be able to be made and be supported, so as to turn to the Enemy's Ruin and not our own; there are none besides this sort of Men, that go about confidently to give any hopes of Matters to be done by making an Impression any where on *France* with our Land-Armies. Which notwithstanding, let us examine, since it is what we rely on. For being not in a way so much as to preserve our selves at Sea; much less are we in the Design of ruining our Enemy that way, destroying his Trade, and cutting off his Supply of Riches by which he bears up in the War: altho indeed, those very Riches come only into him by his Shipping, and the Exportations that way of his Country's Products; the Money that he gets for them in a Land Trade, with any Country joining to him, being in comparison very inconsiderable, and much over-ballanc'd by the Charge he is at, in those Countries, for many Necessities of his own (especially in War) and by the vast Sums of money continually distributed there in Pensions; as by considering only *Switzerland*, will plainly appear. But we, I say, do not apply our selves this way towards the Reduction of *France*. To ruin him in his West-India Trade, and cut him off his Sea-Men; To shut up his Commerce Northwards, thro our own Seas; To spoil him (as might be) some of his chief Harbours and Sea-Port Towns; destroy the rest of his Ships of Force, and ruin his Trading even in the Mediterranean: This is what we either think not of at all, or think is insignificant, or not so noble (nor so saving, or of dispatch, it may be) as the Campaigning Method at Land; or as being less suitable to the Genius of our Prince, so also less suitable to that of our Nation: Which, besides, will be rais'd to high Esteem and Power, and have its Liberties best guarded by the Establishment of a Noble Army of its own, thus train'd up; by that time they, join'd with the Foreigners, Dependents on our King, have made us victorious over the Enemy, and brought on for us our so wish'd-for Peace, which then their Interest will endure.

The Sea therefore we leave as it is; and our Work being not to be done, or not convenient to our present Court it should be done that way, our dependence is upon another. Now to know how this other is like to succeed with us; let us consider in what Places of *France* it is that we may expect to make the Impression at Land.

How Weakness are to be made on France by Land.

The hopes of *Savoy* are over. The ill Success which that attempt had at a time so advantageous, leaves indeed little to hope for any future time, after that this Baffle has given the *French* so great Security, cut off our Expectation from an assistance of Protestants there, and given the occasion to the *French* to put themselves in another posture on that side, strengthen their Frontier, and secure those Passages; and to do

do at least so much for themselves there; altho it were not likely that they should be found to carry in a War this Summer into *Piedmont*, that shall oblige that Prince to make his Terms.

It is not on the *Rhine* surely, that we expect our Enemy should be Sufferer; when instead of being put to use the Strength he has provided for his Defence there, he can every Year raise Contributions on that side sufficient to maintain the Armies he employs there; and take, with Countries, whole Regiments at a time, so as the Duke of *Wirtemberg* and his Troops were taken lately, without so much as fighting, and about 3000 of the best *German* Horse taken.

We do not expect, I suppose, that an Army from *Spain* will enter *France*, or that that Nation is in a Condition to make an offensive War against *France*. So that the stress of all lies now in *Flanders*. And do we expect to see ever any better Armies there, more numerous, more united, or more animated than they have been these last Campaigns? The Confederacy may soon be lesser; But what can make it greater?

Are we to find any other Generals of that Confederacy than what we have? Or will these come to be abler, and out-grow the *French* ones at length by Experience? If it be an Absurdity to think thus; is it not a great one to think we shall have other Success than what we have had? And what has that been? At *Flerus* we receive a Rout, where we lose a good part of an Army. Another Year, if we are not beat in the Campaign time, we are charg'd in the Rear, and a Mark given us at going off. *Mons* is taken one Year, and *Namur* the next; (with what Attendance is notorious.) So that if our strongest Towns, we see, go off before our strongest Armies; what are we to expect will be the Fate of the other Towns that are as yet remaining with us, and are the last that keep the Barrier? They too, if not immediately, must in a Campaign or too more, go the same way of course: tho at the closing of our Campaigns (which cannot keep us up but a defensive War) we endeavor to take a kind of Revenge, by attacking the *French* with as much Advantage and Success as we did now lately at *Steinkirk*. But can we think, notwithstanding this, that by recruiting our wasted Troops, and by raising other new ones, proportionable to what *France* raises, we shall prevent all this; and not only so, but after having retaken *Namur* and *Mons*, with what else we have lost, be able to pierce into *France* through treble Ranks of Garisons, by taking of them one by one, or all at once, or leaving them behind, and marching through them? Surely Men of thought will stick at this.

But notwithstanding all this; the Engagers with the Court, carrying a Majority in this Parliament with them, are giving the Government this ineffectual Assistance, and are drawing from us vast Sums to supply Confederate Armies, and Armies of our own abroad: As if this were really to do us good, would avail any thing, and were our proper Method of securing our selves; whilst our Sea-Practice (whence should be drawn the *French's* Ruin, but whence our own is now) lies in the shamefullest Condition that can be. What signifies it, that we have a number of huge Ships to sail about together a Month or two in the Summer; if still the *French* keep all they have in the *West-Indies*, and the Means that they have there (if not taken from them) of breeding Sea-men, above all the World besides; if here, in our Seas, they breed vast Numbers, and set out numerous and mighty Ships out of the spoil of us and our Ships; if Trading be not safe for us; our Seas being to us shut up, and *Sweeds*, *Danes*, *Portugees*, and other Nations to whom the Sea is free, growing into Trade, and carrying all Supplies (which thus we cannot hinder) into *France*?

France not weaken'd in the West-Indies.

'Tis plain, that if we cannot alter this, we certainly must sink. 'Tis against this, that we should turn all our Power, our Riches; which would not then be doubly lost in being given amongst Foreigners, from *England*, never to return thither; and being given besides, in vain. 'Tis towards this we should turn all our Care and Counsels; and therefore, if the good *Genius* of *England* has not Power enough, by Patriots within it, to alter this Administration, all is in vain, and we must fall.

Naval Power to be encreas'd.

That in this respect, we do now every thing so improperly, every thing so wastfully that we pretend to do; and that there is so little a Part aimed at or intended, of what might farther be done by us than is attempted under the present Management; there is indeed no wonder. When of all Parts of our Government, there is not any more loose, more inconsistent, more corrupt, than that Part which regards our Sea-Affair. We have no Council, no Committee for Trade establish'd, nothing

No Committee or Council of Trade.

nothing of any Office instituted, or Officers properly qualify'd and empower'd to inspect our Trade, to report the Condition of it, and propose the Regulations necessary, to our Parliament; insomuch, that that Assembly is forc'd, upon Occasions, to have recourse to the Merchants themselves, to be instructed, and are often at a loss, and (as in the *East-India* Business) in a likelihood of ruining Trade, by having their only Information in those nice Matters from such as are surely interested one way or other. Our Offices of Admiralty and the like, are dispos'd of in Gifts to Men of Intrigue: and (as the World has now sufficiently remark'd) he that by his Skill can work a Party, delay or bring on a Business in the Parliament, and has the House-Craft, is recommended to the steering of a Fleet, and the ordering of our Naval Force. All is of a peice; and throughout all the Places, any way relating to this great Trust, down to the very inferior Officers in single Ships, Bribery and Cabal does every thing.

Miscarriages in the Admiralty to be redressed.

If this go on, as has been shewn, *England* sinks, whoever rises: We are expos'd to the last Misery, and a Foundation at this rate is laying for such a State as was before represented. And now, at this present time, if the House of Commons carry not what they have begun upon the Admiralty, to a real thorow Reformation in all those Affairs, however the others are suffer'd to lie; if our Force at Sea, and the natural Strength that way, which we have yet left amongst us, be not by their ordering otherwise exerted; otherguess Encouragements set up for Sea-men; the Sea-Souldiering, the very Vocation it self, by a better usage of those that follow it, made more advantageous than as it now stands, that it may draw in more than any other, and not be, as it is, the most justly declinable, and ready to be abandon'd by those that are already in; if there be not an other-guess rewarding of those that serve well; the proper Methods set up to clear us of the *French* Cruisers, and their Privateers; fit Ships, with right Regulation, apply'd to that Work; the dealing with them not left (so as it now is) as an ungrateful Work only, but the reducing of them made (by Rewards fitted to such Service, as well for Privateers and Adventurers of our own, as for the Ships of the publick) an Employment most advantageous, and which may be heartily undertaken by those that so expose themselves: in short, what-ever ill Performance, Unskilfulness and Corruption be suffer'd in any other Part of our Government; however Matters may go in *Westminster-Hall*; however the Chancery be fill'd, or any Offices in the Nation that are to do Right amongst Particulars of that Body; however any other part of the Ministry stand, according to whatsoever Party: If our Parliament do not now right our Country in this Concern; do not redress and assure this part of our Administration, in Hands they can intrust, and shall have Power over to make Faithful; and by their own Management (for it will be by no other) save thus what we are losing not only to the *French*, but to all other Foreigners that use the Sea; If they do not thus much, and suddenly set us in another Course to regain what's past, and do our utmost here; However great these Armies and Confederacies sound, that fill so many Heads at present; whatever Pomp and Grandeur in this Government hinders them from dreaming any Insecurity in it; I fear they will not long be Possessors of the Power that accompanies them now in their Seats at *Westminster*, nor be the Masters long of those Estates that give them now the places they have there. Their giving Millions so liberally, will but hasten the Business: tho many give their Concurrence to this most unprovident way of giving, and to the Methods proportionable, of raising what is thus given; not as unsensible of Mismanagement, but out of mere Fear of being over-run. But it is ordinary to see Men in their Fears run more directly upon their Ruin; when terrify'd they strive most earnestly to avoid it. Yet if they would act rationally, according to what they fear, why is not the Fleet first secured? why is not that Mony first found out, secured on the best Funds, and well appropriated, that the Mony really given to that may not least serve that purpose; that it may not run a common risk with the other Mony expected to be raised; nor the necessary Charge of our Navy run the same danger of being unsupplied, as any of those exorbitant and unnecessary Charges we are to be at besides? What if there be found Stops and Difficulties; If the Mony fails for these latter Expences, must it fail too for our great and perhaps only necessary Expence, that of our Ships and Seamen?

Great hopes from the Parliament.

Nation in a ruinous State by Parties.

Whatever be, this must be look'd to. And (to join all to what I have shown before) he that is an *Englishman* in any Party, and forgets this, knows not that he is drawing on his own and Country's Ruin, in the Prospect of establishing his Country by means of that Party, or together with that Party's Interest which he fol-

follows: for tho a Peace should be concluded at last, according to the Scope of King *James's* Party, by which that King should be made to be acknowledg'd; or tho the Adherents to King *William* that are supporting him his way, should see him prevailing with his Land-Forces, and *France* reduc'd to such a Peace as should cause the Acknowledgment of King *William* here; yet at the end of all this, if by that time the Work that is now doing apace be brought to its effect, and we left Inferiors at Sea, cheated and beaten out of our Trade, and perish'd in our Naval Power, with nothing but a Power at Land to defend us: All the Advantage that the Party of *Englishmen* then prevailing will obtain, besides their Triumph, or their Revenge over their Adversaries, will be to hold a Government under the Force of a Foreigner, and which can be held no otherwise; and to give us ever after for a Government, that which shall be enforc'd by the Nation or Prince left with the strongest Force abroad, together with the Honour of being thenceforward constantly the Test of Power and Precedency to the contending States of *Europe*, by falling always to their Lot who can force others hence and place themselves.

Now if there be any *Englishman* in these Parties that will thorowly think, I appeal to him, if what we do altogether in Parliament, or what each Party drives at singly, is like to bring any happiness to one whose Country is *England*. If the removing one Ministry for another; the getting Men, or keeping Men in place for only Party-merits; the driving in the common manner, for the Interest of this Court or that, for the Court now undermost, by endeavouring to embroil our Sea Affairs, bring us loss of Trade and ruin of Shipping, that by such Misery the People may (as those think) be induc'd to abandon this Government: And for the Interest of the present Court, by complying with any sort of Methods it takes, however censur'd at other times; by advancing Prerogative at a time which is the only ever to be hop'd for to bring it down from its Encroachments, and to confirm the Rights of the People, which are hardly supportable under the Weight yet left in some Fundamental Points: by gaining Acts for multiplying of Treasons, instead of securing us from the Power that the Crown now has of making Treason too easily out of any thing: by the justifying of any Commitments as well as Trials; the setting on foot (to a vexatious End and no other) needless severe Oaths, so extensive and generally to be enforc'd, for the punishment only of mens Consciences, or the taking away of all Conscience, so as to lose the benefit of all Oaths in any Case; a thing so destructive to all Government, and (to our great Misery) begun already to be felt amongst us, and encreasing daily by the commonness that Oaths are expos'd to in serving every turn. In fine, by giving away all our Wealth to the Managers of the Court in prodigious Sums; such as, if possible, would suffice their Greediness, and surmount their Lavishment; whilst still the Matters of our Ocean (that Ocean that should be ours) stand as they do: I appeal, as I have said, to any rational Men of my Country, that can lay aside Passion whilst he thinks, whether this tends to any thing but Ruin.

Exhortati-
on to all
true Eng-
lishmen.

What after this may be expected should be said on what now should be done, I leave to Inference; for I have said enough already, and need not repeat.

I have said what it is that should be previous to every Regard an *Englishman* can have; what it is that only can make the Success of any *English* Party, a Success of their own, or advantageous to them, their Friends or their Posterity: And when such a regard as this is in a contrary-wise chang'd, or but neglected; what sort of Service those whose Interest is tied to *England*, is like to do themselves with their mighty Heat and Zeal in other Matters that they are pursuing. And in all this, if I shall not have been able to turn Men towards any publick Action, or better method of managing that may tend to our Recovery; yet, at least, I may have given them so far to think on certain things, as may turn perhaps some from that Heat and Fury they act with (of themselves, or led by other People) in the service of some Interests, which when they understand, they will not think of serving as they do.

An Impartial Inquiry into the Causes of the present Fears and Dangers of the Government.

Printed in
1692.

Being a Discourse between a Lord Lieutenant, and one of his Deputies, summon'd to hold a Lieutenancy for raising the Militia.

Deputy Lieutenant ;

MY Lord, I am glad 'tis my good Fortune to be the first that attends your Lordship upon your Summons, and I hope your Lordship will give me leave, before your other Deputies come (in whose Fidelity to the Government I cannot much confide) to be inform'd by your Lordship of the Causes for putting the Country to this New Charge.

Pray, my Lord, are there any real Fears of a powerful Invasion, as the Proclamation says? Are we so weak at Sea, after so many millions Expence, that our Ships cannot secure us from any foreign Invasion?

*Fine Pre-
tences of
the Cour-
tiers.*

We were perswaded, that no *French* Ships durst once look ours in the Face, and that we were to make a Descent into *France* with a potent Army; and the Parliament gave the utmost Penny that was demanded, both for Fleet and Army, according to the Computation brought them; and our Countrymen were made to hope, that our King would have been in *Paris* before *Michaelmas-day*; and nothing eas'd their Minds in paying 5 s. or 6 s. in the Pound out of their Lands this Year again, and a quarterly Poll beside, *never before heard of in England*, for themselves, their Wives, Children and Servants, but only their Hopes that these should be the last Taxes that they should ever pay, and that all the Charge hereafter should be impos'd upon *France*, and the forfeited Estates of our Enemies.

And, my Lord, are we come to that pass now, that both Fleet and Army cannot defend our Island, but that the poor People must again bear the Charge of raising the Militia, as great as any of the Taxes?

Truly, my Lord, I dare not tell you how the Countries murmur, nor what they say amongst themselves, but they talk strangely of our making War abroad, if we be not safe at home; and they begin to ask, Why are they plagu'd with quartering Soldiers, and paying them besides, if they must be put to defend themselves?

But I must not tell your Lordship more of their Talk; I hope your Lordship knows that there is no great Danger, and that this Summons for raising the Militia will go no further. Yet I will be plain with your Lordship, the Country does say, if there be real danger, *the Government is betray'd*.

Lord Lieutenant.

Sir, at your Request, I shall not refuse to give you the best Satisfaction I can, knowing your Prudence and Fidelity to this Government, tho I shall only pursue my Orders to the whole Lieutenancy, to put the Country into the best posture I can.

I dare tell you plainly, that there was greater danger of the subversion of the whole Government than I could have imagin'd; and if it be blown over, it is to be ascrib'd to nothing but the Divine Providence.

It is most certain, that there was a deep and dangerous Design laid, as that *Mon-* Designs of
sieur d'Estre the French Admiral, should provide at *Tboulon* in the Straits (out of the French
our sight, and free from our suspicion, whereof we could not well have Intelli- to invade
gence) a potent Fleet, fit to convoy and transport a great Army into this King- England.
dom, and to bring that Fleet into *Brest* before the end of *March* last; and the French
King had supply'd the late *James* with Money, Arms and Ammunition, and col-
lected together 20000 *Scotch, Irish, English, French, and Switz,* and assign'd them
Quarters upon the Coasts of *Normandy* to be ready to imbarque upon the first arri-
val of the Fleet from *Tboulon*; and from thence it was design'd to pass directly to
Portsmouth, and the *Isle of Wight*, which had not been a Work of many hours.

And had not the good God prevented that Fleet's coming by contrary Winds for The Jaco-
five Weeks together, they had certainly compass'd their Design, before any of the bites ac-
English or *Dutch* Fleets could have been at Sea to have made the least opposition; quainted
and the late King *James's* his Agents, and such as are treacherous to the present with it.
Government, had dispers'd the knowledg of this Design to their Confidants through-
out *England*, and given Orders that they should be in readiness to get together in
every County, upon the first News of the landing of the late *K. James*, to disturb
and distract the coming together of the Militia.

And to that purpose King *James's* Adherents, and Men of desperate Fortunes
had bought up most of the serviceable Horses in all the Fairs of the Kingdom,
and were come to such a height of Confidence, as to boast of the Assurance they
had of the greatest Numbers of the Lieutenancy of most Countries, especially the Many of
City of *London*; and of their partakers among the Officers of the Army and Fleet, all sorts
and of great numbers of the Nobility, Gentry and Clergy, that would immediately ready to
declare for *K. James*. declare for
K. J.

They brag'd, with what reason I will not say, that greater Men than are fit to be
nam'd had made their Peace with King *James*, and taken their Pardons, and would
be ready to declare that they never serv'd King *William*, but according to the Sta-
tute of *Hen. 7.* as King in possession, owning the Right to be in King *James*.

Sir, This Design being now known, appears to me to have been so politickly
laid, that I know not what could have prevented our Ruin, if the Winds and the
Seas had not fought for our Preservation. I must confess I often wonder'd, that the
Enemies of the Government were so busy and so bold, that Justice seem'd to be
asleep, and their Enormities were conniv'd at, and many of them were admitted
into Power and Trust; and had better Credit and Acceptance with divers in Au-
thority, than Men of the most approv'd Fidelity to the Government; yet before
these Discoveries were made, I did not believe the Government had been so near a
Precipice, that there wanted but a favourable Wind to subvert it.

Dep. Lieut. My Lord, I am afrighted to see the Danger we have escap'd. But,
pray my Lord, is there no Money allow'd for Intelligence? are there none that
watch for the Safety of the Kingdom? Is it possible that Fleets and Armies can be Counsels
provided invisibly? I doubt the Country has too much reason to say, that betray'd.
their Majesties are betray'd.

I must confess, my Lord, I have been troubled with Murmurs and Suspicions of
that kind from understanding Gentlemen as often as I came from Parliament; but I
always us'd the best skill I had to suppress such Thoughts and Fears, and pray'd their
Patience to expect a fitter Season for their *Majesties* to suppress their Enemies and re-
ward their Friends.

But the great Pressures of the Country have been so long continued, and their
hopes of relief so often deluded, that if I should now tell them (as your Lordship
hath kindly told me) that they were, and are in as great danger of utter Ruin,
as at the beginning of the hopeful Revolution, they would be out of all patience,
and conclude positively, That *the Kingdom* could not be in such a Condition, if their
Majesties Councils and Designs were not betray'd.

I profess, my Lord, I know not how to allay the Country's Jealousies of some in
too much Power with their *Majesties*, nor how to persuade them to bear this
additional Burden of raising the Militia cheerfully, unless I could shew them
a speedy End of their Sufferings, in the Safety of their Religion, Laws and Li- Grounds for
berties. believing

I confess, my Lord, I have been and am as much troubled as any of my Neigh- their Ma-
bours can be, to see the Conduct of their *Majesties* Affairs ever since their Set- jesties to
tlement, and have often thought they were betray'd from the beginning: and if be betray'd
your Lordship will please to spare me a few Moments, and pardon my Free- by some in
dom, the Mini-
stry.

doom, and let it be under the Rose, I will tell your Lordship why I have so long doubted that their Majesties are betray'd, and I beg your Correction if I mistake. I know your Lordship's Interest and Mine are involv'd in their Majesties Government, and it is high time to consult our own Safety if they be betray'd.

Lord Lieut. Sir, I am glad of this opportunity to compare Notes; pray be free, and let us inspect the whole Administration since the Revolution.

Enquiries made into it.

The Commons in Parliament (you know better than I, having been a Member there) have been complaining almost from the beginning of ill and unfaithful Instruments about the King: Some they have nam'd, and others they decyphered; and you may remember they sent to the King to know who advis'd him to employ some of the late King *James's* Instruments in Trusts of great Importance; but they found no effect of all their Endeavours.

I have often sat in the House of Lords with an aching Heart, to see good Proposals (for their Majesties and the Kingdoms Security) oppos'd and rejected by pretended Favorites; I believe you have done the same among the Commons: therefore if you please, we will look back upon the whole Conduct, and see what we ought to conclude from thence.

Dep. Lieut. My Lord, You oblige me to speak my whole Heart in this Affair, and I must confess my Fears of Treachery began as soon as I saw the Prince of Orange pass *Salisbury* without opposition, and with the Protestants great Applause.

False Friends.

Instances of their Treachery.

I was afraid that those who had been the Kingdom's Enemies, seeing themselves unable to resist the Prince, would either destroy him or his good Designs, by Flatteries and false Insinuations. — I first observ'd an Attempt to bring him to a Treaty with the late King, and to stand upon equal Terms to the Judgment of the late King's Parliament, hoping to have sham'd the Kingdom with such specious Concessions for keeping out Popery, and redressing Grievances, that might have sent the Prince home again with a good Sum of Money and fair Promises.

But the Cowardice of the late King, after Commissions for a Treaty sign'd, made that Attempt fruitless, and brought him to be at the Prince's dispose.

The next Treachery was, to persuade our now King to have presently caus'd his Army to proclaim him King, and to have assumed to himself the Royal Office; presuming thereby to have kindled Hatred and Revenge in the Hearts of more than those, whose Love he had gain'd by his Declarations for restoring our Religion, Laws and Liberties.

Danger of the P. of O's being proclaim'd King by the Army.

His Enemies knew, that his Force bore no proportion with the strength of the Kingdom, which would have had an abhorrence of him and his Foreigners, and an Indignation to have been coaks'd and cheated into such a perfect Slavery by him they trusted, who had appeal'd to Heaven, that his Soul abhorred such a Design: But the Vanity and pernicious Consequence of these Counsels were so discover'd to our King, that he escap'd that Snare, and chose to be advis'd by a Convention of all that had been Members of late Parliaments, who justly propos'd that the People should have notice to chuse their Representatives to re-establish their Government.

Their pernicious Counsels to the P. of O.

In the interim, divers of those who had been the worst of King *James's* Instruments in his Designs against our Religion and Government, apply'd themselves to our King, with the most servile Flatteries and mean Submissions, to gain an Esteem with him, and admission into his Councils, hoping thereby to serve their own Master's Interest when the Representatives should meet; and therefore craftily persuaded our King from all Courses that tended to the utter exclusion of King *James*: they insinuated bugbear Dangers of the scattering and dispersing of King *James's* Army, and advis'd the gathering them into Troops and Companies that had dispersed themselves; and to bring our King into Debt, procur'd his Promises of paying their Arrears, who were rais'd by King *James* for the destruction of our Religion and Government.

At the same time they were very busy, by false Insinuations (with too much unhappy Success) to prevent our King's acceptance of the repeated Offers from several Counties and Cities, to raise him Regiments of Volunteers at their own Charge, upon whose Fidelity he might have absolutely depended.

About Ireland.

At this time also the same secret Adherents to *K. James*, endeavour'd to keep his Authority alive in *Ireland*, and his possession of that Kingdom by the Lord *Tyrconnel*; they found ways to prevent the acceptance of the Lord *Tyrconnel's* frank Offers, presently to resign that Kingdom, which, tho then conceal'd, are since publicly printed by Dr. King, in his excellent Book intituled, *The State of the Protestants in Ireland under the late K. James.*

They

They craftily perswaded *Tyrconnel* that his Condition was desperate, and that there was no safety for him but in Arms, and gain'd time for him to new model the *Irish Army* (which were then for the most part Protestants) and to prepare that Kingdom to be a Refuge for *K. James* and his *French*.

In this State of Affairs the Convention met, and King *James's* Agents and our King's now Flatterers, were very near betraying him to settle King *James* in his Throne, and to provide for his speedy Return, under a shew of excluding him. They pretended to applaud and admire our King's Virtues, and to own the Kingdom infinitely oblig'd to him, and therefore propos'd to make him *REGENT* of the Kingdom, as if they would have resign'd all things unto his Conduct; but with the same breath they treacherously insinuated a Divine Right in King *James* to hold the Crown, and insisted that there could be no lawful Authorities in the Kingdom that were not deriv'd from him, which was to make their propos'd Regent King *James's* Officer. They set up Conscience for a Stale, alledging, that none could absolve the Kingdom from their Oaths of Allegiance to King *James*; and sought to subvert all the Principles of the Legal *English* Government, by defaming and blackening for *Commonwealths-men* all that durst assert (as our Ancestors have done in like Cases) that King *James* had broken his Original Contract and Oath with the Kingdom, and renounc'd his being an *English* King bound by the Laws, when he declar'd in his Courts of Justice, and by his Declaration under the Great Seal, that he could suspend the Use of all our Laws at his mere Will and Pleasure. They maintain'd that the Right of the Crown was inseparable from the Person of King *James*; so that all the Officers of the Kingdom must have sworn Allegiance to King *James*, whilst our King had born the Name of a Regent.

Their Practices in the Convention about the Regency.

If they had prevail'd herein, as they were very near it, they had declar'd the Kingly Power to have been in King *James*, both by Divine and Human Right, and stript our King of all rightful Authority more than what King *James* had been graciously pleas'd to give him.

This was the Master-piece of Treachery against our King in many that aspir'd to places of Profit, Honour and Trust under him as their now Master: And had it succeeded, it would certainly have brought him under the Power of their old Master, and themselves into their former Capacities of pursuing their most pernicious designs against the Kingdom.

The Treachery of those who propos'd a Regency.

Truly, my Lord, I never think without some horror of our escape from this Treachery; they had made their Party above 150 strong in our House, and pray, my Lord, how was it in yours?

150 Members of the House of Com. for a Regency.

Lord Lieut. Sir, I cannot remember how many Lords were in our House, when it was put to the Question, *Whether the Throne was vacant?* but my Soul was vext to see how near we were undoing all that had been done for the Kingdom by our King, and as I remember we carry'd it, not by more than three Votes, that the Throne was vacant, and the Kingdom in a condition to settle a lawful Government without King *James*. Yet many now in Power about our King had the confidence to enter upon Record their *Protestations* against that Vote.

Carry'd but by 3 in the H. of L. against a Regency.

Dep. Lieut. My Lord, I was in hopes when both Houses had agreed that the Throne was Vacant, and the Divisions in both were so well known to the whole Kingdom, that our King would have so distinguish'd his Friends from his Enemies, that there would have been no danger of his believing their Flatteries, nor giving them opportunities of betraying him to their old Master; but I quickly observ'd that they were so conscious to themselves of their former Guilt in subverting the Government, that they could hardly believe that either our King or the People could forgive them, and therefore thought it their Interest never to cease their Treacheries against King *William*, as every new Occasion offer'd. When they could not prevent the Settlement of the Crown upon our King and Queen, they seem'd so zealous therein above others, that they would have heap'd all Powers upon them confusedly, without mention or regard to the Kingdom's Rights, or the antient Form of the *English* contracting with their Kings upon Oath.

Their flatteries after declaring the P. of O. King.

They boasted themselves to be the only Men for Monarchy, that always defended the Prerogatives of the Crown; they would scarce bear a Bill for the Peoples Rights, as if they had been such Votaries to King *William*, that they were content to make him their absolute Lord. But their treacherous Intents were evident, they sought for Matter and Occasion to suggest against him Ambition, Love of Domination, and Falseness to all his Pretences made in his Declaration, that the Peoples Liberties should be secure, that they should never be in danger again to be invaded; they

Insinuate themselves into the K's Favour by false Suggestions.

they cunningly fought to sow the Seeds of Division between the King and his People, by leaving the Powers of the Crown and the Peoples Rights undistinguish'd, intending (as their Practice shew'd) to raise new Disputes about Prerogative, and insinuate themselves into the King's Favour, as the only Defenders of it, and none others fit to be trusted to support the Monarchy.

Protestations entered by those who oppos'd the Securities of the Peoples Liberties.

Lord Lieut. Sir, I perceive you carefully observe the Debates of your House, and the Designs their secret Enemies had upon them; and you bring to my mind what I saw, that some Members of our House who had enter'd *Protestations*, that we could not give the Crown to King *William* and Queen *Mary*, were the greatest opposers of the Securities offer'd for the Peoples Liberties. But pray, Sir, go on if you find any other Treacheries.

Dep. Lieut. My Lord, I find the same Party of Men deceitfully offering their Services at Court, but complaining that they were disabled by want of Indemnity for what they had done in the late Reigns, and were in continual danger of being prosecuted for their Estates, or Lives, by Men that would admit of no Moderation; pretending that some Members durst not displease the House in arguing for the Crown as they would, whilst such severe Rods were over them: therefore they often pressed and persuaded his Majesty to move the House to hasten an *Act of Indemnity* for them.

Lord Lieut. But, Sir, was there any treacherous Intention to our King in pressing for an *Act of Indemnity*? It was commonly thought and said, that it was the only way to unite all People to our King, and to take off their Thoughts from returning to King *James*, and for that reason it was absolutely necessary.

Dep. Lieut. My Lord, no good Men doubted that an *Act of Indemnity* was needful for quieting the Minds of thousands that had been criminal in compliance with King *James*; but that nothing could be more pernicious to the future Peace and Security of our Government, than an absolute general Indemnity for all our late King *James's* Ministers, to forgive all *Treasons, Murders in Forms of Law, Suspensions of the Laws, Establishments of Popish Courts and Convents, surrendering and betraying of Charters, perversions of the whole Course of Justice, and professedly laying Foundations for perpetual Popery and Slavery.*

Act of Indemnity how obtain'd.

For that reason, my Lord, the Convention took infinite pains so to form an *Act of Indemnity*, as might have answer'd all the Ends of Mercy, yet with due regard to Justice, and the future safety of our King and Government.

They agreed in their Votes, that few should be excepted from Mercy as to their Lives, and as few as possible to their Estates and all other Punishments.

They concluded, upon many solemn Debates, first to name the several sorts of Publick Crimes, for every of which, some ought to be punish'd for Examples sake, as lasting Monuments of Justice, either as to Life, or Estate, or Fines, or Exclusion from Publick Trusts: but the Ministers of the late Reign imploy'd all their Party to lengthen out, and to throw Stumbling-blocks into the Debates, and apply'd themselves at Court to blast and scandalize the Members of the Convention, as Men that would tear all to pieces and come to no Settlement; they accused them of studying Revenge, and setting up a Faction, and keeping of those out who would gladly come in to our King's Interest.

I have often seen, my Lord, those impudently whispering these Falshoods in our Court, who, I knew, did in private ridicule both our King and Queen, and drink their Confusion and Damnation; yet they so prevail'd, that the Convention was blam'd for Delays of settling the King's Revenue, levying Monies, and doing nothing; whilst these secret Traitors obstructed every Business, and studiously prevented the passing any Acts tending towards a Settlement, that all might continue in distraction, whereby they hop'd to advance K. *James's* Interest, and make themselves seem to be necessary to be favour'd and imploy'd by our King.

My Lord, They were so crafty in this Affair, that they found ways to flatter our King with shews of dependence upon his Clemency, and to insinuate to him, that they would be content with an *Act of Grace* and Pardon from him, rather than longer to seek for an *Act of Indemnity* so clog'd with Exceptions and Limitations as the Convention propos'd.

They crept into the Court, but were impatient till they were so imdemnify'd, and admitted into Places of Power and Trust, that they might overlook those whom they had oppressed before, and carry on their old Designs in the former Reigns.

It was not easy to discern the hidden Treachery to our King's Interest, in seeking a thing so seemingly harmless as a *General Indemnity*: But the Designers knew the mischievous Consequences of it; they understood that it would amount to our King's forsaking, or rather renouncing some of the chief declared Causes of his coming in Arms. Make the King act against his Declaration.

He had called God to witness, that he came to execute Justice upon those evil Ministers of the late King's who had subverted the Government, to introduce Poverty and Slavery. They knew that it would prevent the Terror in futurity of exemplary Punishments upon the greatest Traitors, which ought to have been one of the greatest Securities of our Liberties and Lives against the evil Ministers of our Princes. They foresaw it would dishonour both the King and Parliament, who had declar'd divers barbarous Murders to have been committed upon Persons of Honour, and worthy defenders of our Liberties; whilst their Murderers should stand indemnify'd and possess'd of some of the greatest Authorities in the Kingdom. They were well advis'd, that it would secure the worst Instruments of the former Tyrannies, to be ready to continue the like Mischiefs, and to insinuate themselves into our King's Councils, upon pretence of their being experienc'd in Government, and always zealous for Monarchy.

Lord Lieut. Sir, you make it plain, that the Root of all our Evils, and the Kingdom's present Weakness and Fears, had their first rise from the false Notions at first given to the King of Things and Men, and the Advices thereupon against his own and the Kingdom's Interest. But pray Sir, what other Traitorous Practices did they use to deceive our King by, to promote King James's Interest against his own? They gave the King false Notions of things and men.

Dep. Lieut. My Lord, they advis'd his Majesty to influence such Members of Parliament as he could to obstruct the passing of the Bill depending for Corporations, whereby it was intended to exclude from the Magistracy for some Years all the principal Betrayers and Surrenderers of Charters without the Cities and Towns consent, that by consequence all the Magistrates might have been chosen out of those honest *Englishmen* that had hazarded themselves in opposing King James's Practices to subvert our Religion, Laws and Liberties. Obstruct the Bill for Corporations.

Too much credit was given to their false Suggestions made to the King, that he would create a multitude of Enemies if such a Bill passed, and keep such Quarrels and Feuds as would set all the Cities and Towns on fire. False Suggestions they entertain'd him with.

Now by this means most of the principal Criminals, and King James his Adherents were suffer'd to continue in the Offices and Trusts of all the Corporations, to be ready to chuse Members for a succeeding Parliament like themselves, and none would be believ'd that foretold the danger. The specious Pretences of Moderation and uniting Parties, seem'd to lay the King's Cares of his own Safety asleep.

And truly, my Lord, the same Party that were so careful to delude the King to favour the Adherents of King James in the Corporations, were no less industrious to insinuate themselves into his Service and Employments; they were so prosperous in their Flatteries, that in a short time most of the Powers and Trusts, both Military and Civil, came into the possession of those that ought to have suffer'd in some kind as Criminals.

Lord Lieut. Sir, you make me think how I was impos'd upon in settling the Deputy-Lieutenancy of this County. I was told (by too good Authority) my List would not be approv'd at Court, if I left out those that had been put in by King James, tho they had too much serv'd his Interest. It was said, that I was not to regard what they had been, and what they had done under King James, if they would now take Commissions from our King, I ought to be for healing; and I must confess, I was so deluded, that if there should be now occasion for our Lieutenancy, I have reason to fear, the far greater Part of them would be more studious to promote King James's Return, than to raise Arms against him. The King impos'd upon by them about the Lieutenancy.

I was troubl'd, that I was in a manner forc'd to have such Deputy-Lieutenants, whom I knew to have been Enemies to the Revolution: but when I advis'd with some at Court, whether it was fit to seek an Alteration? they bid me see the Change lately made in London; That those who most comply'd with King James to destroy their Liberties, and the very Being of the City, were made the major part of the Lieutenancy; and Colonels, and other Commission-Officers made by the first Lieutenancy after the Revolution, of such as had been most faithful to the City and their Countries Liberties, and most zealous for the present Government, were The Lieutenancy of London chang'd to put in Compliers with King J.
at

at once turn'd out by the new Lieutenancy. I was then hopeless, tho I dreaded the Consequence of making King *James's* Party the Guard of our Deliverer from his Oppressions.

Dep. Lieu. My Lord, The Mischiefs you prudently foresaw of putting the Powers of our Country into unfaithful Hands, are now seen and felt by every honest Man. But pray, my Lord, do you not think, that our King was as much betray'd in the Counsels given him about the Reduction of *Ireland*, when these sort of Men had got in his Ear? Were not all their Advices directly to cherish and keep alive King *James's* Interest in *Ireland*?

Treachery
about Ire-
land.

I could never find any other Reason, why forty Sail of stout Men of War, well equipped, deliver'd up by my Lord *Dartmouth*, and forty more, which came with our King from *Holland*, were kept in Port useless, when a Part of them might, without resistance, have possess'd themselves of the Harbours of *Cork* and *Kingsale* in *Ireland*, being then neither fortify'd nor garison'd; and that alone had prevented all the Designs of King *James* and the *French* King upon that Kingdom, and sav'd all that vast Expence of Blood and Treasure, which it hath since cost to reduce it, besides the Spoil and Destruction by War, which hath laid a great Part of that Country wast and desolate.

I dread the Thoughts of the Account must be given of three or fourscore thousand Mens Blood, needlessly spilt in that Kingdom.

If part of the Fleet had been thus imploy'd, the rest had been sufficient to have crush'd all the first Preparations of the *French* for a Naval War.

The two late Kings had so absolutely betray'd this Kingdom to *France*, that he had neither fortify'd *Brest*, nor *St. Maloes*, nor *Sherborn*, nor *Havre-de-Grace*, nor any of his Harbours in our Seas, unless we shall reckon *Dunkirk* for one, which was fortify'd by us, and then basely sold to him.

It had been an easy Work in the early Spring of 1689 (if the Advices of those faithful to our King had taken place) to have burnt by surprize the *French* Ships in all those Harbours, which had secur'd our Merchants a free and open Trade, and put our Dominion of the Seas past all Dispute.

How many hundred Sail of Trading Ships would have been preserv'd by that means, to increase the Strength and Wealth of *England*, which now not only serve for Trophies to the *French*, but to augment the Strength and Wealth of that Monarch, and set up his People for Traders, and breeding Seamen, to make his Naval Force serve his Empire by Land?

Treache-
rous Advi-
sers about
the King.

Lord Lieu. Sir, Do not wonder, that the Fleet was not made use of to the Purposes you mention, which had utterly surpriz'd both *French* and *Irish*. I can assure you the traitorous Advisers, who had crept into our Court, had resolv'd that it was most for King *James* his Interest to have a War.

His old Officers in their usual Language of damming, said, they must have a War, or else they might hang themselves. It was thought fit by the most crafty to keep things in distraction, to make the new Government more burdensom to the People than the old, to gain time to wear off the Resentments of King *James* his Tyrannies, to move pity in many towards him and his pretended Son, to throw in Scruples in the Peoples Minds about the claiming a Succession by divine Right, and the Lawfulness of deposing a King.

Give time
to the Fr.
K. to assist
King J.

They knew that the *French* must have time to form a Fleet, and to supply King *James* with Arms, Men and Mony, to distress our King in *Ireland* and *Scotland*; and you cannot but remember by the Debates in your House, how delays were study'd in the Preparations against the *Irish*.

Dep. Lieu. My Lord, I can never forget the long Debates kept up in our House about declaring the *Irish* War, the Sums to be given for that use, the time for which they were to be continu'd, and the Arts us'd to lengthen them, and keep off the Conclusion; which could be intended for nothing but Delays.

In the interim, our King was treacherously advis'd to send Colonel *Hamilton* to *Tyrconnel*, and to wait the Issue of his Negotiation; the effect whereof was his Conjunction with *Tyrconnel*, to disarm the Protestants, to form an *Irish* Army, and declare War against our King.

My Lord, we found no small Difficulties to cross the treacherous Advices of Delay, and obtain from our King a Proclamation, appointing a short time for the *Irish* to submit to his Obedience, or else to stand declar'd Traitors and Rebels.

I saw, to my Grief, the faithful Duke *Schomberg's* excellent Advice could not prevail, when he wisely propos'd an immediate March of an Army for *Ireland* in the first
of

of the Spring, to have pass'd thro Scotland to Port Patrick, from whence they might pass to Ireland in a few hours; which had secur'd the Kingdom of Scotland in their Passage, and had so surpriz'd the Irish, they had never been able to have form'd an Army fit to oppose us.

Duke of Schomberg's Advice to pass into Ire-

I observ'd that the first Officers commended to our King to ingage in that Irish War, were of those that had serv'd King James; and in this first Trial they were put to near London-Derry, they shamefully shew'd either their Treachery or Cowardice, which encourag'd the Enemy to undertake the bloody Siege of that miserable Town.

It was, my Lord, by Advice of the same Stamp, that a Commission was obtain'd for Colonel Lundy to be Governour of London-Derry, and to send two Regiments only for the Defence of that Town, and all the Protestants of the North of Ireland, When all the rest of that Kingdom was under King James's Power; and the Officers so sent, shew'd quickly they belong'd to King James, and resolv'd, together with the good Governour Lundy, to withdraw their force, and leave the Town for King James's Service, and hasten'd again for England.

Treachery in advising Col. Lundy to be Governor of London-Derry.

Our House indeed was sensible of the Treachery, and examin'd the Officers themselves and others, and mov'd for exemplary Punishment; especially that Lundy should be try'd for his Life.

They were in Prison for a little while, and those that advis'd the Imployment of them, took care for their Security and Liberty without the Trouble of Trials.

Care taken to keep them from Hurt.

My Lord, It was no less than a Wonder that these treacherous Dealings had not made King James master of the whole Kingdom of Ireland; that a confus'd Number of Protestants in mere Desperation should throw themselves into a Town so deserted, resolving to sell their Lives at the dearest rate they could; that Men unskill'd in War should neither fear Sword nor Famine, when the Strength of that whole Kingdom with the French Auxiliaries came against them. Yet the result of the Advices then given, was to send Major General Kirk with Provisions, Arms and Men, to relieve that famishing People; but when his Fleet was safe in the River of London-derry, tho the People in great numbers starv'd every day, he never attempted to relieve them, under pretence that the passage of the River to the Town was stopt by Bombs, the Castle fortify'd, and the whole Bank of the River strengthen'd with Breast-works, lin'd with Musqueteers.

The Case of London-Derry.

But our House of Commons hearing that several thousands were starv'd in the Town for want of the Provisions sent, they examin'd the Matter, and found by sufficient Witnesses, that when Major General Kirk arriv'd in the River, and for some time after, there was no Bomb, nor any thing like it; no Castle with a Gun in it, nor Breast-work, nor Musqueteer on either side the River, nor any thing that could have hindred his relieving the Town, if he had intended it. But it appear'd, that he withdrew his Fleet, and landed his Forces in an Island to secure himself, where he feasted and revelled with some of the principal Rebels, with whom he had lately serv'd King James. In the mean time the miserable People of the Town were left without help, until their own Courage and Conduct, with God's Assistance, forced the Enemies to raise the Siege.

Miscarriage in attempting the Relief of London-Derry.

Lord Lieut. You so discover the ill Counsels from step to step, that I hope you kept a Journal of them. Pray did none blush when your House was examining these Treacheries? Were none of the Councils chang'd, when the House shew'd such Jealousies of the Managers of those Affairs, and complain'd of the Unfaithfulness of the Ministers of State?

Dep. Lieut. Truly, my Lord, K. James's Party grew so bold, that the foulest Action mention'd did not want an Advocate: that Party stuck to their point of delaying the dispatch of an Army for Ireland, and gave King James the whole Spring, and much of the Summer of the Year 1689. to strengthen himself; and they apply'd themselves chiefly to get those that hated our King in their Hearts into the Offices, upon which the Success and Being of the Army depended.

No Fault in the Ministers punish'd or redress'd.

They shew'd themselves in the Provision of Horses for the Artillery and Carriages, the buying Stores of Biskets, Meal, Oats, and Victuals, the Preparation of Transport Ships and Convoys, the Orders for marching the Regiments of Horse for that Expedition, and the Commissaries for the Stores for the Army's Subsistence.

I say, my Lord, in the Conduct of all this, and the Choice of the Officers for them, there appear'd so much Treachery, upon the Examination taken in our House

Great Treachery in the Management of the Irish Expedition.

about them, that many of us were afraid the Armies would be betray'd into King James's hand. Honest Duke Scomberg's Soul was so fretted by his long waiting at Chester, to get together but a small Body of Foot, by the Disappointments (thro' the pretended Mistakes of Orders) of the coming of his Horse, by the Unfitness of the Transport Ships to carry over the Artillery and Carriage-Horses, by the Neglect of necessary Provision of Stores, and putting Wheat on Board instead of Bisket and Meal, by the favour of long expected Convoys, and other Supplies, that the poor Gentleman chose to hazard himself without a Convoy, and his small body of Foot, with few or no Troops of Horse, and without any Carriage or Artillery-Horse, to try his Fortune to get upon Irish Land when the Winds would suffer him; being willing to run the utmost danger of perishing, rather than not to attempt some relief to the poor Protestants, and suffer the Treachery of those imploy'd than hazard the Reputation of his Faithfulness.

Yet when the poor Gentleman (in despite of all their Falshood) had landed his small Army, he could not pursue the Enemy for want of those Troops of Horse, and Carriage-Horses, and other Necessaries left behind. But the Treachery continu'd in detaining them, and in letting the Carriage-Horses to hire for Plow and Cart about Chester; and that Villany enforc'd him to encamp at Dundalk, in the Enemies Quarters, and use excellent Conduct in saving so small a party against K. James's numerous Army; tho' the unwholesomeness of the place, and the failure of the Supplies expected, occasion'd the Death of many worthy Gentlemen, and the miserable Sickness and Sufferings of many more, and the loss of ten thousand Protestants before the Spring following.

Treachery of the Officers of the Stores.

That treacherous Party had presum'd to put the Stores, that were the Life of the Army, into the hands of some that were so notorious in King James's Interest, that our King was convinc'd of the danger, and sent Orders to seize the Stores, and secure their Persons, Books and Papers: And tho' the King and Parliament agreed there was too much reason for it, yet that Party had such Interest and Favour to protect them, that *their Offences are cover'd to this day, and they thought worthy of Trust.*

Lord Lieut. Sir, upon our Review of this first Year's Administration, it is a Wonder to me, that the King did not see how King James's Party flatter'd and betray'd him in his Counsels and Management of his Forces; and whilst they pretended to come into his Interest to settle him, they had weaken'd him in Reputation, Treasure, and Force; and more unsettl'd him in Feb. 1689. than when he was first proclaim'd King in Feb. 1688.

The King's faithfulest Friends disobligh'd.

Dep. Lieut. My Lord, I cannot imagine what that Party whisper'd to our King to create in him a distrust of those that had been and were more faithful to him; nor how they gain'd such Credit with him, that rather than part with them from his Councils, he chose to disgust the principal Noblemen and Gentlemen who had hazarded their Lives and Fortunes for his Advancement to the Throne.

Treacherous Counsellors address'd against.

But it was so plain to our House of Commons, that the first Counsels of the Revolution were declin'd, and all Affairs directed by the Advices of those who had been Instruments in the late Subversions, that there were daily Complaints of it in our House; and many Members spoke it out, that such and so many Miscarriages both at Sea and Land, could proceed from nothing but Treachery. From thence arose Debates about Addresses to remove those from his Councils, who had openly oppos'd the Settlement of our King, and formerly betray'd England to France, and been declar'd by the Commons in Parliament Enemies to the Laws and Liberties of England, and that they ought to have been remov'd from King Charles II's Councils and Presence for ever.

But protect-ed by false Suggestions.

But that Party fallly suggested at Court, that our honest Members intended to restrain kingly Power, and so cried out of the Danger for the King to suffer his Servants and Ministers to be torn from him by Parliament, that at last they perswaded him it was his Interest forthwith to dissolve that Great Convention; and to gratify their Revenge upon those who had discover'd their Treacheries, they induc'd the King to dissolve it suddenly, without those Respects (of declaring his Intentions before hand, and advising to finish the several Bills before them) which all our Kings who are well with their People, were wont to pay to Parliaments.

The Convention Parliament dissolv'd by treacherous Counsels.

Lord Lieut. Sir, I think Time hath made it manifest, That treacherous Counsels caus'd the King to dissolve that Convention, and the time and manner of its Dissolution surpriz'd every Man that had been active in the Revolution with a Sense of his danger: Yet I doubt some of us that might have been heard, did not shew the King

King so plainly as we ought, how he was therein betray'd, and the Ground cut from under his Feet by those wicked Flatterers.

He ought to have been told, that he destroy'd his own Title and Claim to the Crown, by dissolving the Convention, before they had provided (by Oath or Subscription of a Declaration, as was propos'd, or any other way proper for a Convention of the People to settle a Government when the Throne is vacant) for the Peoples general Allowance of the Right and Justice of the now Settlement, and for a perpetual Succession of Authorities to be deriv'd only from them.

He should have been minded, that some of his own Council had asserted in the Convention, that the People could not make him King, and that there could be no legal Parliament, unless call'd by King James's Writ, and the Members took the Oaths of Allegiance to King James, as the Stat. of 5 Eliz. requires. Treach-
rous Coun-
sellors hear-
ken'd to.

If he believ'd those his Counsellors, he had no Power to call a Parliament, nor was there any lawful Declaration that the Throne was vacant; that all King James's Party were as much at liberty to maintain his Authority, as when the King landed at Torbay.

It ought to have been told him, that the Authors of those Counsels to dissolve that Convention before such a Settlement, knew too well that they made him cancel all his Proclamations against the Irish as Rebels and Traitors to him, and all his Commissions given to suppress and subdue them as of no Authority. The pernicious Con-
sequences of
dissolving
the Con-
vention

They knew that by making the Legality of the Acts of the Convention doubtful, they reviv'd the Disputes concerning the collecting and levying the Publick Revenues payable to the late Kings, and the Legality of all the Taxes impos'd for the Year 1689. which they were confident the Judges durst not have determin'd: not to mention more Particulars, they gave a fair Occasion for King James to play his Game in Ireland, and to have sent out his Writs for a Parliament in England. Parlia-
ment in the
Manner
and Time
of doing it.

Dep. Lieut. My Lord, has not your Lordship forgotten to mention one part of the Cunning of the Treasonable Advice to dissolve the Convention? Was it not to put it into the power of the Corporation Men appointed by King James's Charters, to chuse the greatest part of the Members of the Parliament they advis'd our King to call?

When the People chose the Convention, those that had betray'd the Liberties of the Corporations were under the dread of their own Guilt and Punishment, and durst not oppose the Favorers of the Revolution; but they had then been so long shelter'd, and so many of their Leaders put into Powers and Trusts under our King, that they durst contest the Validity of King James's Charters, and presum'd to set up such for Members of Parliament, as they hop'd would keep them in the Powers of the Corporations which they had gotten.

Lord Lieut. Sir, there were so many Treacheries in that Advice to dissolve the Convention at that time, that they cannot be all named. It delay'd the relief of Ireland for two or three Months of the Spring of the Year 1690. It lost those Mony-Bills for that Expedition which lay upon the Table almost finish'd by the House of Commons.

It kept the Forces under Duke Schomberg in a starving Condition, unable to take the Field against the Enemy.

It prevented the Provision of a sufficient Force at Sea, and so retarded the setting out of our Fleet, as gave the French the boldness to enter our Channel, and attack us almost in our own Harbours, with such success against us and our Allies, as lost some thousands of Lives, and many a good Ship, to our Eternal dishonour.

The French had such hopes, that by dissolving the Convention the Power of King James's Party was revived, that they braved it up and down upon our Coasts, and took up the Harbour where our King landed, and caus'd such Distractions in the Kingdom as cost at least a Million of Mony in drawing out the Militia. The French
insult us
upon that
Dissolution.

Yet among all the mischievous Intentions of this Advice, I take the worst of all to have been that kind of necessity which their Councils and Management of Affairs put upon our King, to expose his Royal Person to the Suffering and Hazards of that Irish War, from which they wickedly hop'd he should never have return'd; and we must all thank God for saving our Deliverer from perishing by a Cannon-Ball that touch'd his Body.

The Validity of the Convention Acts questioned by those evil Counsellors.

Dep. Lieut. My Lord, I had never seen so clearly that our King was betray'd in every thing, if I had not been chosen of this Parliament, and observ'd what sort of Men were busy without doors in persuading the Members, that all the Convention did ought to be Null and Void; and I heard mention made by some Members of confirming their Acts, and it was sharply reply'd, that what was Void from the beginning, could never be confirm'd.

Many about the Court privately solicited the Members of our House to avoid the mention of the Acts of the Convention, saying, pray leave them as you find them: but their design was to keep up the Notion of King James's Right, and to make this Parliament as well as the Convention, to be of no Authority, knowing that it is called, and sits only by force of the Acts of the Convention.

It was a happy Head, that in order to a Settlement of the King's Throne, contriv'd the Bill to acknowledg, that *Their Majesties were, are, and of Right ought to be, by the Laws of this Realm, our Sovereign Liege Lord and Lady, &c.* and to enact, that all the Acts of the Conventional Parliament were, and are Laws and Statutes of the Kingdom.

Yet, to my knowledg, there wanted not Whisperers to the King that it was of dangerous Consequence to offer that Bill, and treacherously advised him to use his Interest amongst the Members of both Houses to lay it aside.

They promote the getting an Act of Pardon.

And pray, my Lord, may I not reckon among these Treacheries the Advices and Solicitations to our King to send a general Bill of Grace and free Pardon, without regard to Exemplary Justice, for those Treasons and Murders and other high Crimes committed before his coming hither?

I am sure the same sort of Men, that solicited against the Security of the Government, were those that flattered his Majesty by that Act of Grace to provide for their Security, if it should stand: they not only deceiv'd the King of the great Forfeitures and Fines that ought in Justice to have born some part of the Charge of his Expedition hither; but have set all their Party at least upon even Ground with the most innocent Sufferers for their Country, to be prefer'd to all sorts of Magistracies and Authorities, and sav'd them from making reparations to multitudes, whom they had oppress'd under Colour of Authority in the two last Reigns.

The deceit put upon the King by that Act of Grace.

I have heard some of them laugh at the deceit put upon the King by that Act of Grace, and the formal Exception of a few Persons, that were not the greatest Criminals. They knew that those Exceptions could be of no effect for exemplary Justice and Security, as the Convention intended.

The chief Crimes committed in those late Reigns, both in the Councils and Courts of Justice, were Treasons at the Common Law, and triable in Parliament only, (being of a more pernicious nature than those specify'd in the Statutes) and these Offenders with their Adherents of lesser guilt, should have been reserved for their Trials in Parliament, and Penalties to have been set by them, and exempted from the Power of the King to pardon, as in such Cases has been usual.

But the Exception made of a few, such as they are, without naming or distinguishing their Crimes, without enacting any Course for their Prosecution, and without Exemption from common Pardons at pleasure, could amount to no more than to make the People hope in vain for some Vindication of publick Justice.

None punish'd for Crimes in the late Reign.

Time has shew'd the Craft of this Contrivance by the Indemnity of all the Persons excepted, that are not since in Rebellion against our King. No Process has issued against any of them, not a penny of their Estates, nor one hair of their Heads hath been touch'd; and several of them have ever since sat in the House of Lords, as our Legislators.

Lord Lieut. Sir, if you will have my Opinion of the King his Bill of Grace, I think they deceiv'd him to weaken his own Interest, under a specious shew to strengthen it.

His Enemies encouraged by it.

All the Enemies to King William his coming to the Throne became bold and active to subvert him; and assuming to themselves to be the best and strongest Party, they would scarce suffer any thing to be done but by their Advices; and all his Affairs were so managed, that scarce any thing had good Success.

They

They counsel'd him to hazard his Royal Person in a dangerous War in *Flanders*, while the War rag'd in *Ireland*, and the Desolations there daily increas'd. They knew the Troops could not be recalled from *Ireland* unless the Protestants of that Kingdom had been arm'd, as they had often petition'd; and that therefore the Number of the Troops that he could carry from his own Kingdom must be small: and yet their Advices would not suffer him to give Arms to those Protestants, which would have enabl'd him to have made use of most of those Forces in *Ireland* against *France*. *No Arms sent to the Protestants in Ireland.*

The Issue of the Campaign of 1691. I need not tell you; it is too well known, that the strong City of *Mons* was lost to the *French* King to strengthen his Frontiers, and that the *French* Braves boasted, that they dare to charge the Rear of our Confederates in their breaking up the Campaign.

I know not by what Counsels the Affairs at Sea that Year were directed, and the Officers chosen; but this I know, that the Success of the Fleet was no better than that of our Armies at Land, and by all our Expence both of Blood and Treasure, the Power of *France* was rather increas'd than diminish'd. *Miscarriages at Sea.*

Dep. Lieut. My Lord, Pray let me mind your Lordship of what I observ'd in our House of Commons, after the King had been advis'd to go for *Flanders*: They so pressed upon the House to hasten the Mony-Bills, that they gave us no time to think of our own safety in his absence.

Many of us saw the danger of the Government from the Persons put in Authority after the Act of Grace, and offer'd a Provision of the lowest security, that all admitted into their Majesty's Service should subscribe a Declaration, That their Majesties were, are, and of right ought to be, by the Laws of this Realm, our Sovereign Liege Lord and Lady King and Queen: but by divers Artifices under pretence of halt, that Bill was evaded, and our secret Enemies left to play their Game, whilst our King was abroad. *The Security of the King's Title slighted.*

Then, my Lord, the mysterious Constructions of the Oath of Allegiance, which some advisers (false to the Government) had only whispered, began to be made publick, whereby they would have taken off all the binding Powers of that Oath to our King and Queen. *The binding Power of the Oath weakened.*

It was first instil'd into the Clergys heads, and they began to appear in some places in combin'd Numbers before the Sessions of the Peace, where they were bound to take it, demanding Allowance to put their own perverted Sense upon the Oaths, and to enter it upon Record.

They invented the Notional Distinction between a King *de facto* & *de jure*, of a King in Fact and a King in Right, allowing no more to our King than to have unjustly got the Possession of the Crown, without Right or Title, and maintaining the Right to be in King *James*. (a) *A Notion of a King de facto & de jure invented by the Clergy.*

Thence they taught that the taking the Oath of Allegiance to our King and Queen was no acknowledgment of their Right to the Crown, nor inconsistent with the Oaths they had taken to King *James*; and that the Power that our King and Queen had gain'd made it lawful to swear Allegiance to them and obey them, whilst King *James* is unable to protect them, provided they did nothing against his Right.

(b) To the same purpose they cry'd up the Statute of the 11 *Hen.* 7. which enacted, that it should not be Treason to follow a King in Possession, and therefore advis'd King *James*'s Officers and Friends, that they might without danger of Treason take Employments under King *William*, until they should have a time to appear for their true King.

And to undermine our King's true Title, they set up for him false Claims, which serv'd only to keep up Questions about his Title, and to insinuate, that he had no Legal Right to the Crown. For that reason they boldly printed a Claim for him by absolute Conquest, and procur'd from the Court to have it publish'd by Authority. (c) *A Title set up to the King by absolute Conquest.*

There was also a former Treatise by the Right Reverend the Bishop of *St. Asaph* printed and dispersed, call'd, *God's ways of disposing Kingdoms*, to justify the Crown to have been disposed of by God to our King by the means of his Sword.

(a) Dr. Sherlock's Case of Allegiance to Sovereign Powers. Possession, 1 & 2 part.

(c) Vid. An Answer to Mr. Ashton's Paper.

(b) Vide The Case of Allegiance to a King in

*Notion of
Deliverer
set up.*

And to avoid our Laws for his Settlement, another pretence of Divine Right was also set up under the airy Notion of a Deliverer.

Yet none of these new Attempts to subvert our King's Title to the Crown by the Laws of the Realm, have been thought fit to be prosecuted, nor any Man indicted for them, tho they were manifestly design'd to subvert our Fundamental Laws declar'd in this Revolution, and the Right and Property of every Man's Estate in England.

*Original
Contract
sighted.*

And as they thus us'd various Artifices to render our King's Title uncertain, either from God or Man, slighting and decrying the plain Contract between our King and Queen, and the People by their Representatives, so they industriously obstructed a Declaration of the particular Tyrannies of King James, whereby it might have been manifest to all the World, that he renounced and abdicated his Office of an English Legal King to be an absolute Tyrant, that had all our Laws in his Breast to suspend the Execution of them as he thought fit.

Whilst they could avoid such a Declaration, they thought King James's Case would never be desperate, and the Sufferings under him would slide out of Memory, and in a little time they might dare to compare (as they now do by printed Papers) the times of his Reign with the present, to delude the People.

*The Impo-
sture of the
P. of W.
Birth neg-
lected.*

Lord Lieut. Sir, There is another Art hath been us'd to weaken our King's Title, which you have not mention'd; they have dexterously avoided the matter of the supposed Prince of Wales, and would not suffer it to be brought into Parliament, that the Imposture might have been there prov'd, and declar'd to all the World.

From thence occasion is taken to move pity to that poor innocent Prince, as they call him, suggesting, that he might have been bred a Protestant, and all Contentions quieted about the Succession to the Crown, and the grounds of a perpetual War avoided; whereby they endeavour'd to cool the peoples Affections towards our King, and keep them in doubts of new Revolutions.

*The Com-
mission of
the Peace
put into ill
hands.*

Dep. Lieut. My Lord, I see so much Treachery in the whole management of the King's Affairs, that scarce have I patience to think of any more Particulars. The whole Administration is put into such hands as would make a Man believe, that a Design is deeply and strongly laid to bring back King James; most of the Justices of the Peace throughout England (whose faithful Execution of the Laws is the Strength of the Government) are now such as would certainly be ready to bid him welcome; and many of them are so scandalous in their very Morals, that the Queen was constrain'd by Proclamation to order the Execution of the Laws against Debauchery even amongst themselves.

And, my Lord, to prove that the Powers of the Militia are in no better hands, I shall need no other proof than to pray your Lordship to look over your own List.

*The Militia
in no better
hands.*

Lord Lieut. Sir, I think we may conclude, without looking further into the Management, that if those who advise our King in his Administration had not been false to his Interest, the Kingdom might have now been free from the Trouble and Charge of raising the Militia, as we are commanded.

I know not whether we are able any way now to secure either their Majesties or our selves. I see by the *Gazettes* and *Proclamations*, that the Queen and her Council know not how far this Conspiracy doth extend. Several of the Lords of our House are in hold under the Charge of Treason; divers of the Officers of her Majesties Guards and other Troops are secur'd; some that were lately in great Command in the Army, are now in the Tower: Divers both Lords and others are fled; and as I hear, great Numbers are suspected to have waited for the landing of the French, to have shew'd themselves in Arms against their Majesties: and in short, there is too much reason to fear a general Revolt of most in Authority, if their Service should be wanted against King James.

*Much is not
expected
from the
Officers of
the Militia.*

Dep. Lieut. My Lord, I begin to doubt whether the Queen hath had faithful Advice to command the raising the Militia every where upon this Alarm. It shews to all her Enemies, that we are in great Fear, it increases the Burdens and Vexations of the People, it renders King James his Party more considerable than I hope they are: And I see no Safety to be expected from it whilst it is under such Command, and out of a Method long look'd for from the Parliament, to make it easy and useful.

Lord Lieut. Sir, I can give you no judgment of this Advice, save only that it is suitable to all the rest, which hath been to make a shew of preserving this Govern-
ment,

ment, but in truth to keep it unsettled, and to preserve King *James's* Pretences alive among the People, and at last to persuade them there is a Necessity for his return, *France* being too potent for us, and neither Safety nor Trade to be hop'd for without Peace with him; and to be plain, I doubt that all the Advices given to the King about the management of this War, have tended to the same purpose. I can never believe it had been otherwise possible that the King should have been advised to have made a War upon *France* by Land, when the Experience of all Ages hath prov'd that this Island could neither be safe nor free without absolute Dominion of our Seas.

No Safety without the absolute dominion of the Sea.

The King's Advisers could not be ignorant of our antient Histories, that whenever any Neighbour Nation could make their Ships (such pitiful things as they then were) more numerous than ours, this Island was harass'd, robbed and spoil'd, just as we are now frightned, and in fine forc'd to receive new Masters.

'Tis notorious that the *Romans, Danes, Saxons, and Normans*, by the help of their Ships, became Masters of this Kingdom.

Those Advisers could not but know, that all our former Princes (till *Charles the Second* betray'd us) were so jealous of the *French* getting Power at Sea, that they durst not attempt it, until *Hen. IV.* presuming on the Friendship of *Q. Elizabeth*, they began to build a Ship of Force; yet a Message was soon sent him, that if he did not desist, it should be burnt in his Harbour.

Our Power at Sea betray'd to France by K. Ch. II.

They could not but understand, that if our Seas were absolutely commanded by us, the King might have been out of danger of exposing his Person in War, and we might have sat in Safety, laughing at all the Designs that the Council of *France* could invent against us.

Doubtless they knew that the *French* King could never have had Money, Men nor Arms to offend his Neighbours, if the many Millions of Money given by Parliament since this Revolution had been spent in Naval Forces, put into skilful and faithful hands, which had apply'd themselves to prevent the Trade of the *French* with other Nations.

Naval Forces absolutely necessary.

It would have cost us less than the Money given, to have sent out yearly a Royal Fleet of a hundred Sail for our Defence and Glory, as early in the Spring as was needful, and over and above to have hired a hundred Sail of the best Merchants to have been wholly employ'd to destroy their Fishing in *Newfound-Land*, and their Interest in *America*, to have crush'd their Privateers, and have burnt the Ships of Trade in all their Harbours.

Had secur'd us, and ruin'd the Fr. Trade.

This alone had secur'd *Europe* from the *French* Tyranny, given Safety, Peace and Trade to *England*, and made him send King *James* to a Convent to do Penance for the ills he had done.

These Advisers could not but know, that the Strength and Wealth of *England* could never have been lessen'd by a War against the *French* at Sea (unless some special Anger of God had been shewn against us) our Country could have afforded better Ships, and Men, and Commanders for the Sea, than was possible for the *French* King to have provided; there had been a perpetual Spring to supply our Expences; the Monys had return'd as it were in a Circle, unto the Gentlemen, Tradersmen, and Mariners, because the Beef, the Pork, the Bread, the Pease, the very Clothing of the Seamen had been of our own Growth and Manufacture; and the more Ships had been equipp'd for Sea, the more had Trade and the Price of our Commodities been advanced, and our Force had been increas'd by using it, in regard more of our laborious Youth would have apply'd themselves to the Sea-Affairs upon such Encouragement; and increase of their Numbers would naturally and necessarily have promoted Trade and Power, and made all Nations court our Friendship.

The Advantages of such a strength at Sea.

Surely these could not have been forgotten, having been so lately approv'd by those who pursu'd this Course, who were without Right or Title to the Government, and yet were submitted to by all the World.

But on the contrary, these Advisers must needs understand that when they counselled the King to War against *France* at Land, it must be upon very unequal Terms, both of Expence and Hazard.

He could not transport his Men without great Charge, and must suffer the Delays and Dangers of the Winds and Seas: He must exhaust his own Kingdom's Money to maintain his Troops abroad, and to be spent amongst Foreigners for the Provisions of his Army; he must expect to lose many of our *Englishmen* by the sudden

The great Disadvantages of making War on France by change Land.

change of Climate, Air and Diet, and the ignorance of providing for themselves amongst Foreigners.

In all Misfortunes and Accidents of War, he must want all sudden Assistance from his Subjects; he can have no Recruits in his greatest Necessities, unless the Winds and Seas shall favour him; and his Troops may be utterly destroy'd before it may be possible for him to be reliev'd. And they that gave the Advice know, that the People of the Country that is the Stage of War, are such bigotted Papists, as would rather cut the Throats of our *English* in such case of distress, than afford them the least Succour.

Empire at
Sea most
useful and
glorious.

Dep. Lieut. My Lord, You have made it so plain, that our King cannot reasonably aspire to Greatness, Glory, or Splendor, otherwise than by gaining Empire at Sea; that it could be no Mistake, but vile Treachery, to advise him to suffer in his Person all the Hardships, Accidents and Dangers of a Land War, from whence he cannot hope for such Advantages either to himself or his Kingdom.

Little Ad-
vantage
from the
War in
Flanders.

I have often ask'd the most knowing Men I could meet with, what Benefit our King or Kingdom could expect from this mighty War in *Flanders*, if it should succeed beyond most Mens hopes? And the Answer I could ever get, hath been no more, than that we should weaken the Power of *France*. But I was bold to pursue my question, and ask, Whether we thought so to beat him in *Flanders*, that he should give us up his Fleet and Naval Stores to pacify us; or whether we hope this Summer or the next, to gain his Frontier Cities and Garisons, which it hath cost him near thirty Years to compleat, and many Millions to fortify? Or was it design'd to gain part of his Country from him, for the *English* to inhabit; or to over-run his whole Kingdom, and possess the Crown of *France*, and to plant the Protestant Religion there by the *Hermaphrodite* Swords of Papists and Protestants?

To all this it was only said, that our King is close in his Counsels, but no doubt he hath some very great Design. I could not forbear replying, that as far as I can discern, whoever put his Majesty upon winning Towns and Territories from *France*, and aspiring to the Crown of that Kingdom, were the most desperate Designers against the Peace, Liberty and Happiness of *England*; and the Consequence of Prosperity therein, would be to change us from the most antient free Kingdom in the World, to be a miserable Province of a King of *France* under a Foreign Army.

The Confe-
deracy must
be assisted.

I confess, my Lord, the only fair Pretence for that War at Land is our King's Engagements to the Confederates. It must be agreed that the Confederates ought to be assisted; but they could not complain if our King had us'd his Force against *France*, which had been fatal to him if right and prudent Counsels had been taken.

Great Force
at Sea
would ruin
France.

For if the whole *English* Power, in conjunction with the *Dutch* Naval Force, had been employ'd against *France* at Sea, to have cut off its Trade with all Nations, and destroy'd his Shipping, he had never been able to send out Armies equal to the Confederates, nor to have kept his own People from Mutinies for want of Bread.

He might have had work enough and too much, to have watched and defended his Harbours and his Coasts, from the Incursions and Spoils that might have been made by our smaller Vessels, sometimes in one place, and then in another, as the Winds had permitted; and he might have been hindred of Ammunitions sufficient for any numerous Armies.

This had been the most speedy and most certain way to assist the Confederates, by disabling *France* to resist their Force; yet if it had not been thought Assistance enough to those our Allies to have taken upon us the burden of the War at Sea for our share, Contribution might have been sent them towards their Armies, and a fourth part of the Mony we have expended in the Land War, would have rais'd them more Men and Horse in their own Countries, than we have been able to send into *Flanders*.

I have heard some Ministers of the chief Princes of the Confederacy say, That their Masters wanted no Soldiers in their Countries if they had but Mony.

The Parlia-
ment Coun-
sels de-
clin'd.

Lord Lieut. I was satisfy'd almost from the beginning of this War, that the King was too much advis'd by some that are false to his Interest; but I was never hopeless of some Success, until I saw the Parliament Counsels in the way of its management declin'd.

All Trade
with Fr.
ought to be
cut off.

They wisely advis'd such a vigorous War, that he should enter into no Alliance with Prince or State, that should not make it one of the Articles of the Treaty, to break off all Commerce and Correspondence with *France*, and our King graciously promis'd it in answer to their Address: And the *Dutch* and *English* began briskly

briskly to make Prize of all Ships they found trading with the *French*; but in a short time a Neutrality, and a free Trade with them (no doubt by some treacherous Advice) was, and ever since hath been openly allow'd to the Kingdoms of *Portugal*, *Denmark*, and *Sweden*, the State of *Venice*, and others, whereby the Enemy is supply'd with Naval Stores and Provisions of War, hath vent for all his Native Commodities and Manufactures, and is enabled to maintain a War both by Sea and Land.

And for my part I do not understand, that his Armies are now less numerous than when the War first began; and 'tis manifest his Fleet is greatly increas'd, and much better equipped, and his Ports richly supply'd with trading Ships taken from the *Dutch* and us, which are computed to amount to thousands: and I see no Advantages that we have gain'd upon him, whence we should expect greater Success against him than we have had hitherto.

No Advantage yet got of France by Sea or Land.

Dep. Lieut. My Lord, it seems to me upon our whole Discourse, that some who have been false to our King's Interest, have had an influence in the management of all his Affairs, and have given him false Measures of the State of this Kingdom, the Temper of its People and its Interest, and have cunningly and falsely endeavour'd to divide his Majesty's and his Subjects Interests, and by Flatteries to lead him into the manner of Governing which he came to reform; and they have brought all his Affairs to such a State, that honest Men know not what to do for the Service of their Majesties.

False Notions given the King by his ill Ministers.

I am sure upon this meeting of your Lientenancy requir'd by your Lordship, I dare not discourse of our Dangers, which I take to be more from Traitors among our selves, than from the *French King*. I suppose it will not now be long before they come; what is your Lordship's Pleasure to have done with them?

Lord Lieut. Sir, for this time I will only read the Letters and the Proclamation inclos'd to me, and give them Orders to have the Regiments drawn forth, viewed and muster'd, with commands to be ready with Mony and Ammunition, according to the Act of Parliament, when they shall be commanded.

I will not make any Clamours by turning out Officers at present; but if there be any Invasion or Insurrection, I shall make bold, without acquainting our Court, to revoke the Commissions of many of the Deputy Lieutenants, and make such Deputies and Officers as to my knowledg are true to their Majesties; and I doubt not to find our Country-men so true to their Majesties, their Religion and Liberties, as to make them hollow out of the Field such Officers as I shall discharge upon that Occasion.

The Late King JAMES's Letter to his Privy-Counsellors.

*With just Reflections upon it, and upon the pretended
Prince of Wales.*

Printed in
1692.

*And a short Account of the Judgment of the Parlia-
ment, 1 Edw. 4. in Confutation of the Author of
[The Case of Allegiance to a King in Possession]
With the Reasons why the Sham birth hath not been
publicly expos'd.*

JAMES R—**H**OW much soever the late King may flatter himself with an empty Name, if he had consulted his Trusty Counsellors the Jesuits, or the Laws of this Kingdom, which he might have govern'd happily to this day if he had pleas'd; he would have found no reason to continue this Stile.

For the Judgment of his best lov'd Counsellors, I shall refer him to two Men of undoubted Credit with that Society, (a) *Lessius* and *Becanus*; who both hold, that when a Prince is deposed, he ceases to be a Prince, and becomes a private Person.

*Tyrants to
be depos'd.*

The Authority for this they both place in the Estates of every Kingdom, and hold it justifiable to depose a Prince for Tyranny in the Administration; when he designs in his Government, and aims at, his private Advantage, and not the Publick Good, &c.

But unless it was for the Publick Good of this Nation, to bring it into subjection to the See of *Rome*, and for that end to exercise an Arbitrary Power in dispensing with the Laws of the Kingdom, it must be granted, that the late King was far from aiming at the Publick Good.

For the Laws of *England*; I shall not here have recourse to those numerous Precedents which may be produc'd as Evidences of the Law in this matter; but shall content my self, and, as I believe, the impartial Reader, with an (b) Act of Parliament, which a Popish Parliament, 12 R. 2. refer to, as known and upon Record, and (c) but very lately before that time put in practice.

*The Act for
deposing
R. II.*

Whereby, if the King thro a foolish Obstinacy, contempt of his People, or perverse froward will, or any other irregular way, shall alienate himself from his People, and will not be govern'd and regulated by the Rights of the Kingdom, and laudable Ordinances, made by the Counsel of the Lords and Great Men of the Realm; but shall headily in his mad Counsels exercise his own Arbitrary Will; from thenceforth it is lawful for them, with the common Assent and Consent of the People of the Realm, to abrogate, or depose him from the Throne, and set up

(a) *Lessius de Jure & Justitiâ, p. 79. Tum de finit esse Princeps, &c. And Falkner's Christian Loyalty, p. 343, 344. citing them both, agreeing*

almost in the same words.

(b) *Knighon Col. 2683. 12 R. 2.*

(c) *Meaning the Case of E. 2.*

‘ in his stead *propinquiorem aliquem de stirpe Regia*, somebody of kin, or near of kin to the King, of the Royal Stock. It is not *proximum*, the next upon the Line; and then the *aliquem* gives a Latitude for chusing any deserving Person of the Stock Royal.

I know it will be said, that this Law is no where to be found, but in an Historian *Object. 1.* of the time.

That the Parliament urg'd such a Statute, and that it was a known Law at the time when it was refer'd to, no Man can doubt; tho indeed it is highly probable that *R. 2.* having assum'd a very arbitrary Power after this Admonition, caus'd this Statute, which star'd him so full in the Face, to be taken off the File. Certain it is, that when at the end of his Reign the Parliament were enabled to call him to account, among other Grounds for his Deposal they say, He had caus'd the Rolls and Records concerning the State and Government of his Kingdom to be destroy'd and ras'd, to the great Prejudice of the People, and disherison of the Crown of the said Kingdom, and this, as is credibly believ'd, in Favour and Support of his evil Governance. *Ans. 1.* *Knighton Col. 2752.*

Farther yet, tho that Statute is not now to be found in Words, yet the late King's Coronation Oath might have advertis'd him of its being in force, as to the Substance of it, to this very day. *Ans. 2.*

According to the antient Formulary, he either swore or ought to have sworn, (d) To grant, keep, and confirm the Laws, Customs, and Freedoms granted the Clergy and People by the most holy and glorious King Edward.

This was Edward the Confessor, of immortal Memory for his collecting and strict observing the Laws of the Kingdom, as well as for the admir'd Sanctity of his Life.

Whereas the Statute refer'd to 12 R. 2. makes one of the Conditions upon which the Sovereignty depended to be, that their Kings should observe the Ordinances made by the Counsel of the Lords and Great Men of the Realm (the difference between which and Acts of Parliament is obvious) in that Body of the Confessor's Laws transmitted down to us with unquestion'd certainty, it is written, (e) *Rex debet omnia rite facere in Regno suo & de Consilio Procerum suorum*, ‘ The King ought to do all things in his Kingdom according to Law, and by the Judgment of his Peers. St. Edward's Law goes farther, and is express, that unless the King perform his Duty, and answer the end for which he was constituted, *Nec nomen Regis in eo constabit*, not so much as the Name of King shall remain in him.

To proceed to the Letter it self.

RIGHT Trusty and well beloved Cousin and Counsellor, we greet you well. Whereas our Royal Predecessors us'd to call such of their Privy-Council as could conveniently be had, to be present at the Labour of their Queens, and Witnesses of the Births of their Children, (f) and that we have follow'd their Example at the Birth of our dearest Son James Prince of Wales.

One would think that this was pen'd by some French Secretary, the English is so bald and improper, as where the Letter mentions the calling such of the Privy-Council as could be had: And whereas that we have follow'd, &c. However no Example can be shewn of any one of his Predecessors who pretended to have a Privy-Council after he had ceas'd to be King; or, at least, that thought it to any purpose to have Witnesses of the Births of their Children, when themselves had no Inheritances to leave them.

But as to the Insinuation concerning the pretended Prince of Wales; his Birth would have been less suspected, if all the Witnesses, who swore materially, were not to be thought Parties; if the Bishops had not been sent to the Tower, as it were on purpose to remove the Necessity of sending for the then Archbishop of Canterbury, who had not at that time resign'd himself up to the French Interest; if there had been credible proof of the late Queen's having been with Child, before she was brought to Bed; and she had not been pass'd the Years, at which it was usual for Italian Women to bear Children. *Prince of Wales his Birth supposititious.*

(d) Vid. Rot. claus. 1 E. 3. & Mag. Chart. ed. cum privilegio An. 1558. *Juramentum Regis quando coronatur.*

(e) Vid. Leges Regis Ed. c. 17. de Regis officio. Lambart's Archaionom. Hoveden f. 604, &c.

(f) Whereas, &c. and that, i. e. whereas that

And yet if we could believe that she was really brought to Bed of a Son, and that the Son is yet living (the proof of which we must fetch out of an Enemy's Country) how could that in the least affect the Right of their present Majesties, who have been declar'd King and Queen by the Authority of the States, and that according to the express Letter of the Statute cited 12 R. 2. which shews that the States, upon the Abrogation or Abdication of a King, are under no Obligation of submitting to the next in Line? Nor can a Prince who has departed from his Title voluntarily, or by legal Implication, leave any Right to descend from him.

Vid. Camden's Eliz. Indeed when *Mary* Queen of *Scots* was adjudg'd to lose all her right of Succession to the Kingdom of *England*, for her Attempts against Queen *Elizabeth*, all the Judges of *England* being consulted whether this would not cut off the Interest of her Son, declar'd it would not. But it is to be consider'd,

- Ans. 1.* 1. That the Opinion of the Judges in that case could not alter the Law.
2. That it was very likely, that they would favour King *James*, who at that time had a great Reputation and Interest in *England*, as much as they could with any Appearance of Reason; and there seems some colour for it, from the penning of that Statute, which was made in the View of the Pretences of the Queen of *Scots*, and her known Conspiracies, for which she was try'd.

Stat. 27 Eliz. c. 1. The Statute makes a plain distinction between a bare Design, and a Design which should take effect. In the first case they exclude and disable the immediate Pretenders if guilty within that Act.

13 El. c. 1. In the second they exclude and disable the Persons pretending Title after the Queen, and their Issue, if consenting or privy; where the first Branch seems capable of an Explanation by the 13th of the Queen, which in like case disables Persons during their natural lives only, as if such Person were naturally dead.

In which Act there is plain Provision, that the Issue shall not be prejudic'd, but shall be in the same Condition as if the Parent had died before the Offence committed: and tho the same might be thought to be intended by the Stat. 27°. yet, it not being express'd, the Lords, with great Reason, made a question of it: for if this had been the Intention of the Parliament 27°. one would have thought they would have follow'd so plain a Precedent so lately set, in Words which would admit of no Dispute. And it appears very plainly to have been the Judgment of the Parliament 13 *Eliz.* that the disabling the Party would by Operation of Law have disabled the Issue, unless they had particularly provided against it. Certain it is, that the States of the Realm having (a) depos'd *E. 2.* he accounted it (b) a special Favour that they would chuse his Son to succeed him.

However, that Precaution was not enough to binder us from the malicious Aspersions of such as were resolv'd to deprive us of our Royal Right.

Here is a smack of the *French* Scribe again, who else could have thought it a hindrance to have been kept from Aspersions? Or would any *Jacobite*, who understands our Language, use Words, which admit that the late King stands depriv'd of his Royal Right?

But whatever is here suggested, is undoubtedly owing to the just Causes of Suspicion, which the necessity of the Matter or their own ill Management occasion'd; so that it must be imputed to their own Fraud or Folly: Most, even of them who stand up for a suppos'd Right in King *James*, look upon the Prince of *Wales* as supposititious, and will acquit those from Malice in this particular, whom yet they stick not to charge with Rebellion.

Witnesses requir'd to be present at the late Queen's delivery. That we may not be wanting to our self, now it hath pleased Almighty God, the supporter of Truth, to give us hopes of further Issue, Our dear Consort the Queen being big, and drawing near her time; We have thought fit to require such of our Privy-Council as can come, to attend us here at *St. Germain's*, to be witnesses to our said Consort the Queen's Labour. We do therefore hereby signify this our Royal Pleasure to you; that you may use all possible means to come with what convenient haste you can, the Queen looking about the middle of May next.

In this and the former Paragraph such stress is laid upon the Birth of Children by the late Queen, as if the disbelief of the former Pretence were the sole occasion of the Abdication, and nothing of Misgovernment and breach of the Original Contract were in the Case. The Witnesses requir'd at the second Scene, are

(a) *Walsingham* f. 107. *Rex dignitate regali abdicatur, & filius substituitur.*

(b) *Vid. Knighton ad finem regni E. 2.*

Privy-Counsellors to the late King; but whether meant of them who had been of the Privy-Council, while he administred the Government, or such as act by Commission from him, to plot against the present Government, does not appear.

Their Plot, which was within these few days the Boast and Merit of their Party, must now be denied with as great Confidence; but if there had wanted other proof, the timing the appointment of the Birth of another Prince, the avow'd expectation which they had just at this time, the coming of the *French* Fleet, the Preparation for a Landing here, and the readiness many expressed to receive them, sufficiently speak their detestable design: but that glorious Victory of our Fleet, which has dashed their Hopes, and broken their Measures, will undoubtedly cause an Abortion of the intended Birth; or an adjournment to some Month more favourable to them than *May*, which is expir'd, and yet we hear of no Young Prince born: but both the late Queen, and the *French* Partisans, must confess themselves out in their Reckoning; and Almighty God, who, as the Letter observes, is the supporter of Truth, is the exposers of Impostures.

And that you may have no scruple on Our side, our Dear Brother the most Christian King has given his Royal Word and Promise to you, as We hereby do, that you shall have leave to come, and, the Queen's Labour being over, to return with all safety. *The French King promises Passes.*

That the nominal *most Christian King* has pass'd his Word, must be taken upon the Word of the late King; to which much credit cannot be given by any, who considers how well he maintain'd his Coronation Oath, and the Promises which he made in favour of the Church of *England*: And what regard the *French* King has to Oaths, and the most Religious Promises, is notorious to the whole Christian World; and by this time his truest Friends, the Turks, repent of their having trusted him.

Besides, the Promise here is very fallacious; for it is, that they shall have leave to return [*the Queen's Labour being over*] but if she be with Child of a Cushion, her Labour will never be over; and they shall be detain'd there till they abjure their Religion.

The Iniquity of the Times, the Tyranny of Strangers, and misled Party of Our own Subjects, brought Us under the necessity of using this unusual way.

The Papists indeed have reason to complain of the Times, which are very unpropitious to them: but even they cannot complain of Tyranny, having had experience of the Lenity of their Majesties Reign beyond their Deserts or Hopes, as the most moderate of them will confess.

Tyranny, in the most common acceptation of the Word, is apply'd to Tyranny in the Exercise; and the present Administration is in that respect a rescue from Tyranny: nor can their present Majesties be accounted Strangers or Tyrants in Title, who had a true Legal qualification for succeeding to the vacant Throne, and have been settl'd in it according to the Constitution of this Government; as all who know any thing of it must acknowledg: and they only are the misled Party, who believe the contrary. That Necessity, which the Letter complains of, came from other Causes than are there mention'd, and such Causes as are inseparable from that Superstition, the obstinate adhering to which has had such a fate, as the Counsels of the Jesuits have merited and extorted. *Present Government vindicated.*

Yet we hope it will convince the World of the Truth and Candour of our Proceedings, to the Confutation of our Enemies.

The *English* World would be very easy of belief if they should be convinc'd by what might be deposited by them, who should be so foolish, or such Traitors to their Country, as to go to *France* upon this occasion.

But should they be to be believ'd, and swear home to the birth of a Prince at this time, that would not remove all the Objections which have been generally receiv'd against the former; nor considering the great alteration in Constitutions, which the difference of Climates may make, would the late Queen's having a Child in *France*, be a convincing Evidence, that she might have had one in *England*, in that state of Health and Constitution, which she was in here.

We not doubting of your compliance herewith, bid you heartily farewell.

He must needs have had great Proofs of their obsequiousness, who (if he can think they were Protestants) would venture into *France* upon his Parole, or the *French* King's: yet it is not to be question'd but many had given him mighty Assurances of their being resolv'd to venture all things for his Service, who yet would venture

venture no farther than in Words and Oaths, of which they certainly have been liberal to both sides.

Given at our Court at the Castle of St. Germans, the 2d of April, Stilo N. 1692. and in the 8th Year of our Reign.

A Castle seems no improper place for his Court, who is, in effect, but the *French King's Prisoner*: but what he sends to *England*, while he is in the Power of the Nation's inveterate Enemies, is not likely to prevail with any true *English-man*.

—Metuunt Danaos vel dona ferentes.

Dates of
Kings
Reigns con-
sider'd.

How he comes to reckon this the 8th Year of his Reign, I cannot tell; I am sure there is no Precedent for it in the *English Annals*, which will come up to his Case. His Brother, I must own, dated his Reign from the death of his Father, and suppos'd it to have continu'd during all the times of Usurpation; but he had not been formally set aside by a regular Convention of the States, nor had any one been chosen, or declar'd King in his stead.

Vid. Rot.
Parl. 1 E. 4.

Indeed, *Edw. 4.* was accounted King all the while from his first assuming the Royal Dignity to his Death; tho *H. 6.* was in Possession for a short interval: Yet it is evident that whatever *Edw. 4th's* Right was, his own Parliament did not account him King by reason of any Right which he had, without an Election of the States, upon *Hen. 6th's* incapacity to reign, and breach of the Contract settl'd in Parliament, between *Hen. 6.* and the Father and Son, *Richard Duke of York*, and *Edw. 4.*

And the short Possession of *Hen. 6.* after a Redemption of Power, was accounted a Nullity, because of his inability to reign, join'd with the Consideration of that sudden and transient Force which the States were under, and from which they as suddenly freed themselves.

But as *Richard Duke of York* was never accounted King, being never submitted to by the States, *E. 4.* was not accounted King, till submitted to: So that the Government was always held to go along with their Submission, while it was to a Person capable, and they might be thought to have acted with any manner of Freedom and full purpose of settling it.

Case of Al-
legiance,
p. 11.
H. 6. at-
tainted of
High Treas-
on against
R. Duke of
York.

For proof of this, I refer my self to the Circumstances in Story, and the (a) Records of Parliament of that very time, from whence the Divine-Right-men fetch their Notion of *King in Right*, and *King in Fact*; at which time he who was upon Success adjudg'd to be the *King of Right*, was not adjudg'd to have reign'd till the 4th day of *March*, on which day he was put into possession by the Consent and Choice of the States of the Kingdom: And tho the *King in Fact* was held to have been unable to govern, and to have broken the Contract before the 4th of *March*, yet he was accounted to have reign'd till then. And whereas the Author of *The Case of Allegiance to a King in possession* (who argues unanswerably upon the Fact yielded to him by some without any ground) affirms, 'That *H. 6.* was attainted of High Treason against *Richard Duke of York*, who was not King, but only declar'd Heir to the Crown; which would argue that the Parliament which attainted *H. 6.* look'd upon *Richard* as the King Regnant, notwithstanding the Possession of *H. 6.* the Fact is quite otherwise: for no Act against *Richard* was accounted Treason, nor even against *E. 4.* till the Parliament had declar'd him to be in possession upon the Submission of the States; and this, tho *H. 6.* had abdicated before the day by which they adjudg'd the Possession to *E. 4.* Nor is it material to say that several Treasons were assign'd, (b) which were committed before King *Edward's Coronation*, unless they had been before the 4th of *March*, when the States gave him Possession. But any Man that reads the Parliament-Roll it self, without trusting to Abridgments, will find that *E. 4.* was not accounted to have began his Reign before the 4th of *March*: and as in Reason, there can be no Treason against any Person before he is King of this Kingdom, neither was any Act against *E. 4.* before the 4th of *March*, on which day he began his Reign, to be Treason even by his own Parliament.

(a) Rot. Parl. 1 E. 4. Hollinshead, f. 661, 662, 663. Stow, f. 414. sons were committed before King *Edward's Coronation*, and so before he was King in full possession.

(b) Case of Allegiance, p. 11. All which Treas-

This may satisfy all unbiass'd Persons, that unless *James* the Second should be re-admitted (which perhaps might argue that the States retain'd a Purpose to return to his Obedience) his Reign must now, and will in all after Ages be held in Judgment of Law to have determin'd, if not at the time when the States adjudg'd the Vacancy to have began, at least when their present Majesties were first declar'd King and Queen, and that before their taking their Coronation-Oath; as long as they not only refus'd not to take it, but express'd their acceptance of the Government according to the Constitution, by which it is always presum'd, till the contrary appears, That every Prince who assumes the Royal Dignity, will take the Coronation Oath at some convenient time of his own appointing, or their choice.

(a) But tho *Maud* the Empress had been declar'd Queen upon Success against King *Stephen*; yet she refusing to maintain the *Confessor's* Laws, the promise of which is an essential part of the Coronation Oath, was rejected almost as soon as receiv'd; and by an hasty flight, gave an early Example of the late Abdication. *The Case of Maud the Empress.*

Tho she was the Grandchild of one whom some now will make a Conqueror, freed from any Obligations of observing the old *Saxon* Laws; yet there was never any Pretence set up for her after, much less was she thought to have continu'd her Reign: and tho many declar'd for her Son *H. 2.* in her Lifetime, yet he found it convenient to accept of a Settlement of the Crown, in remainder after the death of King *Stephen*, as his adopted Son, (b) the Charter of which Adoption is to be seen in the Historian (c) *Bromton*. But the late King, by breeding the pretended Prince of *Wales* in *France*, has cut off all reasonable Expectations of having him ever to be adopted Heir of this Kingdom.

I know some Men, whose Crimes in former Reigns, and profess'd Enmity to the Liberties of *England*, had engag'd them in a Party which oppos'd the Accession of their present Majesties to the Imperial Throne of this Realm, after they had invited his Majesty's Arms, and importun'd him to take upon him the Administration, raise a great Clamour upon the silence of Parliaments, in relation to the putative Prince of *Wales*; as if it were a tacit Admission that he was real. But certainly in this the Parliaments chose to shew, that the Government is settled upon such a Bottom, as makes it not in the least material whether Prince or no Prince; well knowing that the Convention, which afterwards became a Parliament, upon acting under a legal Head (as did the Parliament, which afterwards being turn'd into a Convention by the deposal of *R. 2.* acted with *H. 4.*) exercis'd a Power which was vested in them by the Constitution of this Monarchy, and follow'd the wise Examples of *H. 8.* and Queen *Elizabeth* of glorious memory. *H. 8.* tho he had bastardiz'd both his Daughters, *Mary* and *Elizabeth*, yet settled the Crown upon them both successively, in remainder after his Son *Edward*, without taking off the Illegitimation of either Daughter: Whereby he certainly plac'd the Right of their Successions upon a surer Foundation, from the Authority of the King and States to dispose of the Crown, than if he had declar'd either of the Sisters to be legitimate. Nor indeed would he have done this without shewing at the same time that one was Illegitimate; the Question being, Whether the Mother of *Mary*, or the Mother of *Elizabeth*, was the true and lawful Wife? *The Jacobites Clamour groundless.*

And tho Queen *Elizabeth* had full Opportunity and Power to cause the Act which bastardiz'd her to be repeal'd, especially after the Protestant Religion was thorowly settled, and that Party crush'd who held the Pope's Authority to make good the Marriage of *H. 8.* with his Brother's Wife, carnally known by him; yet she wisely contented her self with a Title deriv'd from that Constitution of the Monarchy, by virtue of which the Crown had been settled, rather than to fetch one from Heaven by a Divine Right of Birth. *Q.E. never repeal'd the Act made against her in H. 8. time.*

That the ignorant Followers of blind Guides may know what was the Judgment of the Times of *H. 8.* and Queen *Elizabeth*, to go no higher, of the Divine Right of Succession, I desire them to read the Acts of Parliament, 28 and 35 *H. 8.* which declare, That if such Heirs as are there appointed, without regard to the Scots Family, should fail, and no Provision be made in the King's Life-time who should rule *28 H. 8. c. 7. 35 H. 8.*

(a) Vid. inter decem Scriptores Gervasium Dobern. & Bromson in vita R. Steph.

(b) See the Charter of the Adoption of *H. 2.* *Wotton* col. 1037.

(c) Ego Stephanus Henricum Ducem Normanniae, post me Successionem Regni Angliae, & Heredem meum jure Hereditario constitui, &c.

and govern this Realm, then the Realm should be destitute of a lawful Governour. See also the Journals 8 and 9 of the Queen, with the Act of Parliament 13 C. 1.

Journals
of Q. Eliz.
f. 105,
106, 107.

The House of Lords in their Address 8 and 9 Eliz. desire that a Successor might be appointed in Parliament, lest God should call the Queen without certainty of Succession; and for that the not performing what they desir'd, would leave the Realm without Government. And that memorable Act 13 Eliz. c. 1. makes it highly Penal in any after time, to deny the Power of the Parliament to limit or alter the Succession; and adds a Penalty upon them, who should affirm that any but the Issue of the Queen's Body had Right to succeed after her.

But we shall never be quiet from vain Disputes against the Right of the present Government, till it makes examples of Offenders, within the perpetual Branch of this wise and equitable Law.

The Jacobites have
no Principles to fix
on.

Let any Man seriously consider the Controversy between them who hold the late King still to reign, and those who assert that their present Majesties are our only Sovereign Lord and Lady, and they will find the Jacobites have not one true Principle upon which they can fix; and all the Advantage which they have, is by the Concessions of those who would pretend to defend this Establishment, upon the same Principles which carried them to the most servile Compliances in the Reign of Charles the Second, and part of the Reign of James the Second; till according to the Scripture-observation, in adversity they consider'd, and found that to be the Consequence of their Doctrines, which they would never believe; and then started back from it with horror. But alas! Nature is too apt to return.

Some having taught, That a Sovereign Prince while he lives, must retain the Sovereignty as inseparable from his Person, till he has expressly and formally renounc'd it, admit the Right of the late King to continue, notwithstanding the Possession of their Majesties, with the full and regular Consent of the States of the Kingdom; and tho the Kingdom has, by the Providence of God, been given them in such a manner as has been held to make a legal Settlement, if not from the earliest Times, at least by the Stat. 11 of H. 7. And they very indiscreetly yield, that the Statute supposes some other to have Right besides the King and Sovereign Lord for the time being; which is absurd in it self, and against the manifest intent of the Statute. Nor can any reasonable Man think, that this was the Judgment of H. Seventh's Parliament, 11 H. 7. when the Parliament in the first of his Reign, had not only Ordain'd, Establish'd, and Declar'd, That the Inheritances of the Crowns of the Realm of England and France, be, stand, and remain in H. 7. and in the Heirs of his Body for ever, and in no other Persons; but by another Act revers'd the Attainder of H. 6. of the younger House, for acting against E. 4. of the Elder, even after E. 4. had been receiv'd and submitted to by the States; which Attainder of H. 6. the Statute declares to be contrary to due Allegiance and due Order, plainly supposing that while he had the Possession, he was the only King and Sovereign Lord.

Stat. 11 H. 7.
11 H. 7. n. 16.
Restitutio
H. 6.

Tho I am tempted to enter into a large Field on the Judgment of the most ancient Times, I purposely forbear, and shall only observe and remove another Objection, or rather Prejudice, from the repeated Doctrine of the Church of England.

The Doctrine of Passive Obedience, &c.
not the received Doctrine of the Ch. of Eng.

As I take it, nothing ought to be receiv'd for the Doctrine of the Church which is not to be found in its Articles or Homilies, or at least Canons duly made and receiv'd; but they as well require Active Obedience to lawful Governors, as Passive: and yet none but Papists will say, That we were bound actually to assist King James to subdue his Protestant Subjects, or that only Power which, without a Miracle, could support them in the profession of their Religion; or, as a late Writer has it, cover their Heads while they treated.

And whatever the Articles, Homilies, or receiv'd Canons of the Church, argue to be the Duty of Subjects; to whom Subjection is due, is no Point explain'd by them, it being suppos'd that the Laws of the Land, and they whom the Constitution intrusts with declaring the Law, should determine that Question.

Bp Overal's
Convocation-
Book.

And besides, some think they have the Canons of a Convocation in King James the First's Time (as there certainly was the Approbation of the Clergy in Queen Elizabeth's, of her interposition in other Kingdoms) to ballance whatever may be drawn from the publick Acts of the Church of England, to the prejudice of this present Government, or of those Means by which it was establish'd.

K. de facto
& de jure.

But the Dispute of King of Right, and King in Fact, is taken from Popish times: And since the Reformation hath left us a clear Stage, and the Judgment of the Parliament

liament 1 Ed. IV. on which they who argue for King James his Right chiefly rely, is on our side, we need not fear the Forces of all Antiquity; especially when we consider that the Clergy of old Times, who were our Historians, Judges, and chief Lawyers, and the Penmen of Publick Transactions, had that dependency on the Pope which made them stand indifferent between Prince and People.

I must confess it has been to me a Mystery, how the Non-swearers came to charge all who are not of their Schism, with Apostacy from the Church of England, till one of their Champions has been so weak, as to quit the Advantage of Clamour upon a general Charge, by shewing how they proceed to prove it. One against whom he writes, having pressed to know from what Article or Homily of our Church, Allegiance to the late King can be enforced: 'Sure, says the Champion, he cannot forget that God's written Word, and that only, is our entire and adequate Rule of Faith: And the best Interpreter of it for us to follow, is the most unanimous Exposition of it, avowed by the Doctrine of our Church-men, and the agreeable and constant practice of the Church.

The Vindicator of the pretended Royal Martyr.

Now what is this but the Popish Doctrine of Tradition, strip'd naked and disrob'd of all its Rags of seeming Authority? If it takes in the unanimous Exposition of Church-men, and the Practice of the Church in all Ages, he must pray in Aid of the Church of Rome: And unless this Writer is a Papist (as it is to be presum'd that they who charge the Body of our Clergy, and others with Apostacy, are) why shall the Rule of Faith hold in relation to Government, and not in all other things? And how could a Reformation be duly made, contrary to this Rule?

How a Doctrine may be said to be that of the Ch. of Engl.

If he urges this as a Protestant, he goes a step beyond the Papists; who, as I take it, rely not on Tradition, but as they suppose it an Evidence of what has been the Doctrine of the Church in all Ages; but place no Authority to judg of the Tradition in any under a Pope, or rather, according to most of them, a Council solemnly assembled after Invocation of the Holy Ghost. But here the diffusive Body of Churchmen must be divinely inspir'd: Yet whatever they may pretend, the Holy Spirit may as truly be said to come in a Clokebag from France, as formerly from Rome to Trent. But Doctrines, it seems, are to be thought true or false according to the Poll, or rather the Noise; there never having been a fair and regular Poll, and casting up of their Voices, that I have heard of: Generally the loudest, the forwardest, and the most injudicious have, without any manner of Election, pretended to represent the rest: When one would think they might be satisfy'd, if the Laity would yield to their Request, That the Bishops, Presbyters, and others, elected by the Clergy, that is, a Convocation without a Parliament, may be the Church of England Representative. But as Churchmen are jealous enough of their own Rights, it is not to be thought they will be concluded by the Books or Sermons of those whom they never chose to make Offers in the name of all.

This I am sure was their Apology in King James's Reign; and those of the new Separation were as forward as any to disclaim and renounce all Pretences of this kind. Their present Champion seems to make a difference between the Church and Churchmen, mentioning the Doctrine of Churchmen, and constant Practice of the Church; whereas in truth the Abdication or Abrogation of one King, and Submission to another in his Life-time, has never been a Question before since the Reformation: and now it is become a Question, the Church of England has declar'd for, and submitted to the King and Queen, who now fill the Throne after a Vacancy.

Difference between the Church & Churchmen.

If we look backward to see what the Church of England, or the State including the Church, has done or thought in former Ages, we shall find what is charged as a Departure from our Church to be no new thing.

Certain it is, in Popish times they have set aside Princes of their own Religion, without consulting the Oracle at Rome, upon Cases clear by the Constitution: Nor if there were any doubt, is it likely that they would have run the hazard of losing that Opportunity, which they had upon the first appearing unanimous for casting off a National Burden; the resentment of which a small delay might cool.

Can any Period be assign'd in the dark Ages of Popery, when, if a Prince who had clearer Light should, with a few to whom he communicated his Intentions, have endeavour'd to impose his way of Worship upon a Nation confirm'd, not only by constant Practice but firm Laws, in a contrary Religion; or should have given manifest Indications, that he would use all his Authority to this end; the Clergy would have been less scrupulous than the Doctors of the Sorbon were in declaring a-

gainst *Henry* the Fourth of *France* while he profess'd himself a Protestant? Nay, would not the Body of the Nation have declar'd, That a Prince of a Religion contrary to that of his Country was incapable to govern?

A Prince of
a different
Religion is
incapable
to govern.

If of themselves, or through the interposition of some Foreign Prince or State, they had secur'd the free Possession of their Religion, and the Benefit of the Laws which upheld it; would they, with blinder Protestants at this day, have desir'd the return of their Fears? Would they have wish'd for such Success to the *Waldenses*, or *Albigenses*, the only visible Powers then against them, as some who would be thought Protestants do to the *French*? Nay, when they swarm'd with Legends of Miracles, which were thought almost as plentiful as the Gods of *Egypt* springing up in the Gardens; Would they have expected Deliverance from their own Prayers and Wishes?

I know the common Refuge, Let Justice be done, and leave the Event to Providence. But ought we to tempt Providence to destroy us, by our promoting, against the Interest of our Religion, that which we are not, cannot be assur'd to be the Cause of Justice? Can it be Justice to sacrifice our Religion and Civil Rights to the Humour, or Bigotry, or Revenge of one who had manifested, That he would not govern as King of a Protestant Kingdom, or of a Kingdom where the Law had placed Boundaries to the Will of the Prince?

Obligations
to our De-
liverer.

What do we not owe to a Deliverer who has freed us at home from all true Causes of Fear but from our selves? Who is the Support of the Confederates, and the Head and Life of their Armies, and, under God, has put an Hook into the Nostrils of the great *Leviathan*, who so lately sported himself in the Waters? What a Blessing is it, that when the Cause of Christendom calls him to other Regions, his

Character
of Q. Mary.

Throne is not left empty, but adorn'd with a Queen, to whom the true Religion, and her Native Country, are the nearest Relations; and who gains not more Hearts by the serene and awful Majesty of her Looks, than she defeats Enemies by a Courage more than Female, and only not Divine? Indeed, what less than a Divine Power can vanquish the Timidity and Irresolution in times of Danger, natural to the tenderness of the fair Sex? And in what Age or Nation can we find her Parallel, but in our admired Queen *Elizabeth*, whom all Generations to come shall bless, for establishing the Protestant Religion at home, and supporting it abroad, at a time when the King of *Spain* was the Darling of the Pope and Jesuits, and by their Assistance stood as fair for an Universal Monarchy as the *French* King did, before the interposition of their present Majesties?

It has been observ'd, that ever since the defeat of the *Spanish* Armada by Queen *Elizabeth*'s truly Invincible Fleet, that Monarchy has wither'd like a Plant wounded at the Root: And we have grounds to hope, that the *French* Royal Sun, which by our late Naval Victory has been forc'd to set in the *British* Seas, never to rise again, is a true Emblem of that Monarchy.

And God seems to have design'd it in his Providence, as a Presage of his farther gracious Intentions towards the Professors of the true Religion; and that Family out of which the Papists culled the noblest Sacrifice, yields a living Hero to avenge the Death of the brave Lord *RUSSEL*, and to vindicate that Cause for which he died.

A Let-

A LETTER to a Friend, concerning a French Invasion, to restore the late King James to his Throne.

And what may be expected from him, should he be
successful in it. Printed in
1692.

S I R,

IN your last you seem much concern'd about the *French* Invasion, and desirous to know what I think may probably be expected from the late King, should he prove so successful, as to recover his Throne; and what *English* Subjects are bound in Conscience to do, should he land in *England* and demand his Right.

The last is a material Question, but I wonder how you came to ask the First, as if it could be any Question what the late King will do, if he were restor'd by Power to his Crown. For I think it past all doubt, that he will do as he did before, only in all Probability a great deal worse: And you remember how that was; for arbitrary Power and Popery are of too great Concernment, and have left too frightful an Impression behind them, to be so soon forgot. And this will go a great way towards an Answer to your second Question, unless you think we are bound to take King *James*, and a *French* Government, and a *French* Popery with him; which I shall not easily be perswaded to; and, I believe, there are not many *English* Protestants will.

But to answer your Questions distinctly. As to the *First*, When we see what the late King *James* has done, what reason have we to expect, that should he return with Power, he would ever do otherwise? Is he more oblig'd now by his Protestant Subjects, than he was before? Can he make fairer Promises, than he did before? Is he less zealous for Popery, or grown more out of conceit with arbitrary Power? Or will he be less able to make himself arbitrary, and set up Popery when he returns a Conqueror? For I take it for granted he must conquer first, because King *William* won't abdicate nor steal away; and the Power that conquers, will give Laws and Religion to the Conquer'd. Popery and
Slavery
must follow
on K. J. his
Success.

I know there are two things pretended, as a Foundation for better Hopes. *First*, That the late King is now sensible that the *English* Nation will never bear Popery, nor arbitrary Power; and that he has suffer'd so much by these Attempts already, that he will never venture the like again. *Secondly*, The great Merits of the Nonswearing Clergy and Gentry, which will atone for the Church of *England*, and make him their sure and fast Friend, Patron and Defender, especially if those who have been too forward in complying with the late Revolution, shall expiate that Crime by an early Repentance, and a vigorous Assistance to restore him to his Throne. Objections.

First, As for the first, there are too many Answers to be given to it, to hinder it from being the least probable ground of Hope; tho Hope it self is *Rei incertæ nomen*, so very uncertain, especially when we guess only at the Inclinations of Princes, that Lives, and Fortunes, and Liberties, and Religion, are not to be ventur'd on it, against former Experience. Answers.

But to let that pass, pray consider what the true Import of this Argument is: for it amounts to this, that all Men will learn by Experience; that Men will not venture on those things a second time, which have prov'd fatal to them once;

that Princes will certainly for ever after dislike such Counsels and Measures, as have already shaken their Thrones, and made their Crowns fall from their Heads.

No ground
of bettering
our selves
by King J.

Now we may flatter our selves with such Hopes as these, which may upon some account be call'd reasonable Hopes, because there is great Reason it should be so; but yet they so often fail, that there is no Reason to rely upon them. The Repentance of dying Sinners and of undone Prodigals, who return to their old Sins again, if they recover their Health, or find new Treasures to waste, confutes such Expectations. Sufferings rarely cure a vehement Love and fond Passion for any thing, which is the Case of old habitual Sinners; and no Man can be fonder of any Vice, than some Princes are of unlimited and arbitrary Power.

And when this is join'd with a resolv'd and inflexible Temper, which scorns to yield, and had rather be undone a thousand times, than own, retract, or amend a Fault; such Misfortunes do but whet Revenge, and make them swell as a River does when its Current is stop'd, which flows with a more rapid and foaming Stream, when it has once forc'd its way.

Superstition
on a great
hindrance
to Amend-
ment.

Especially when Superstition is the prevailing Ingredient, which fires the Spirits, and raises imaginary Scenes of Glory out of the loss of Crowns and Kingdoms: And what, will such a Prince, if he ever recover his Throne and Power, forfeit the Glory of losing his Kingdoms again, by deserting the Cause for which he lost them before? No Man can certainly tell, how Superstition will act, nor how it will reason; especially when the Consciences of Princes are under such Directors, as will venture their Crowns for them over and over, to carry on their own Designs, and know how to expound Providence to flatter Superstition. And then the Recovery of his Throne may be made a better Argument, and a stronger Obligation to revive and prosecute his old Designs, than the Fear of losing it again can be to make him desist.

And to make this yet more demonstrative, with reference to the late King, we ought to consider, That this is not the first Trial he has had, and that this Consideration has done him no good.

K. C. I. his
Sufferings.

He saw before what his Father King *Charles* the first suffer'd, only for some Attempts towards Arbitrary Power, and for mere Jealousies and Suspicions of his favouring Popery: He lost his Kingdoms and his Life, and his Sons suffer'd a long and hard Exile. *Charles* the Second indeed took warning by this, and tho possibly he might be big with the same Designs, yet would he not venture too far, nor discover himself too openly, for fear of travelling again, as he us'd to speak. But King *James* had not Patience to conceal his Inclinations, till he came to the Crown; and that had like to have cost him his Crown, before he had it; and yet this was not sufficient to caution him against those violent Methods he afterwards us'd to advance Popery, which were so seasonably defeated by the happy Arrival of our present Sovereign, whom God long preserve. And those who are so desirous to try him again in *England*, as they have lately done in *Ireland*, to their full Satisfaction, if they could try only for themselves, should have my free Consent to make the Experiment.

King J.
would take
no warning.

King J. his
Behaviour
in Ireland.

Have not the poor *Irish* Protestants made it to their Cost, even since this very Revolution, from whence, and from the Wisdom he must needs have learn'd by it, this miraculous Change in him is now expected? And did they find any such Change in him, unless for the worse? And yet, if ever, then he was upon his good Behaviour, when he wanted their Assistance to secure his Possession of that Kingdom, and to recover his other Dominions; and when in Reason it might have been expected, that, whatever Resentments he had, he would have thought it his Interest to have treated Protestants with greater Tenderness and Respects. But if the Necessity of his own Affaires could not obtain this from him, what must Protestants expect, if he return with Power? And tho some Protestants here in *England* seem not to be at all affected with this Experiment, yet it hath made such an Impression upon the Protestants in *Ireland*, that they are for ever cur'd of their Fondness, and have not the least Curiosity left to make any further Trials.

King J. his
good Inclina-
tions sig-
nify no-
thing.

It is pretended indeed, in excuse of this, that he was then under the Government of *French* Ministers and Counsels, and under the Power of *Irish* Priests and Papists, and so was not at liberty to follow his own Inclinations: I should be very glad of a good Argument to prove, that he had better Inclinations. But however, what Comfort is this to Protestants, that he has better Inclinations, but is not his own Master? For if he must never shew any Kindness to Protestants, it is no matter what his Inclinations are: And can any Man imagine, That if the *French* King by Force

Force and Power place him on the Throne, he will be less under his Government than he was in Ireland? The French King, among many other wise Maxims, has this, I am sure, for one, never to make a King, without making him his own Vassal; and the Power that can make a King, can make him his Slave: So that it is to no purpose to enquire what King James will do, but what King Lewis will do, if King James returns?

Secondly, As for the great Merits of the Nonswearing Clergy and Laity, I greatly suspect, that neither the late King James nor King Lewis will think them so great as they themselves do. Their Merits must consist either in their Principles, or in their Practices. And we will briefly consider both. Non-swearers great Merits examined.

Their meritorious Principle is this, that the Rights of Princes, especially of hereditary Princes, to their Thrones, are so sacred and inviolable, that as they cannot forfeit them to their own Subjects by any Male-Administration, so neither can they by any Provocations, or by any Success of War, forfeit them to any other Princes: That while such a Prince, or any legal Heir is living, no other Prince can have any right to his Throne, nor must his Subjects own and submit to any other Prince as their Sovereign Lord. Their Principles. As to Divine Right of Succession.

Now as much as this Principle seems to flatter Princes, and to make their Thrones Eternal, I am apt to suspect, that no Prince, who considers the just Consequence of things, can think it so very meritorious; for it is a very dangerous Principle to weak and unfortunate Princes, and an intolerable Restraint upon the aspiring and ambitious. It is dangerous to the unfortunate, because it lays a Necessity upon the Conqueror to take away his Life, if he can, as well as his Throne, since he cannot lose his Throne without losing his Life, tho most Princes would rather chuse to have them parted, than lose both together. And how do they think King Lewis will like this Principle, which stands in the way of his Glory, and preaches Restitution to him of all those Dominions, whose legal Heirs are living; which teaches the Subjects of other Princes to deny him Fealty and Obedience, and to conspire with their legal Princes against him? I doubt not but he likes the Principle as little as he would like the Practice; and that our Nonswearers would quickly understand, were they the Subjects of his new Conquests, which God grant England may never be.

Indeed, how great a Complement soever this Principle may be thought to Princes, it can have no Merit, because, tho it may in some Junctures do them hurt, it never did, and never can do them any Service. It never yet hindred a Revolution, and never can make one; and the Reason is plain, because no Princes, and very few Subjects, do believe it, and practise upon it. If a Prince have a just Cause of War against another Prince, he makes no scruple, if he conquers, to take his Crown; and the Subjects of such a conquer'd Prince make no scruple of Conscience to submit to the Conqueror; tho sometimes a personal Kindness for a just and indulgent Prince, and a Concernment for their own Liberties and Fortunes, may make them uneasy under it, and glad of the first Opportunity to do themselves and their Prince Right. The Principle does no good.

The Truth is, Princes have no reason to like this Principle: for, were it true, they could have no Remedies against the Injuries of Neighbour Princes; they might indeed fight and conquer, but they had better let it alone, if they must not take the Throne which their Sword has won; for it is only the Fear of Conquest, and losing their Crowns, when they are conquer'd, that can keep Princes in Awe, and bring them to just and equal Terms: and if no Prince must lose his Crown, because no Prince must take it, it will be impossible to beat an injurious and obstinate Prince into good Terms; and, I believe, Princes will as soon be persuaded, that it is unlawful to make War, as that it is unlawful to seize a conquer'd Crown, and will think one as meritorious a Principle as the other.

And it is certain, Subjects have less reason to like this Principle, because it makes them Slaves and Sacrifices even to the Misfortunes of their Prince. A Prince, when he is conquer'd, or sees he must be conquer'd, may escape by Flight, but a whole Nation cannot; and if they could, have no reason to leave their Country, and their Fortunes behind them: And yet, according to this Principle, they must not submit nor swear Allegiance to the Conqueror, while the Prince who has forsaken them lives, tho they cannot secure their Lives and Fortunes without it. But Nature and common Sense are too powerful for the Sophistry of such Principles; and those who cannot reason, can feel what they have to do in such Cases. The loyalest Subjects, when no personal Obligations, or secret Interests determine them otherwise, will save themselves by Submission, when they cannot defend their Prince by their Arms; and do

Non-swear-
ers unfer-
viceable to
King J.

do not think they do ill in it: And I suppose Princes do not think so neither, because they expect the same from the Subjects of other Princes in the like Circumstances; and such an universal Consent both of Princes and Subjects, when there is no Law of God or Nature against it, makes it a standing Law in all Revolutions, which both Princes and Subjects must submit to. So that this Principle, were it ever so true, can do no Service, and therefore can have no Merit in this World, because there are so few that believe it, that they are not hands enough either to keep a Prince on his Throne, or to restore him to it. All our Nonswearers could not hinder the late Revolution, nor can they make another: They are enow to make a noise, especially if the loud and zealous Ladies of that Side be reckon'd in; but other Hands and other Pretences must do their Work, if ever they hope to see it done; and then no Thanks to their Principles for it. Whatever Reward their future Services may deserve, Princes themselves will not think that their Principles deserve any.

The Merit
of their Ac-
tions con-
sider'd.

Let us then now consider the Merit of their Actions, and what Opinion the late King is like to have of that, if he should return.

I suppose, they will be contented he should forget their Merits towards him while he was on the Throne, especially about reading his Declaration; as likewise their *Tower* and their *Westminster-Hall* Merits, which were indeed very great, and did deserve and would have had a better Reward from a better Hand, had they not render'd themselves incapable of it. But sure they don't expect the late K. should reward them for such Services. He knew this rais'd that general discontent, which occasion'd that general Revolt, which cost him three Crowns. And if all their Merits can expiate this Guilt, they come off well; and those had need be very extraordinary Merits, which have first so great a Guilt to expiate, before they can pretend to merit. Could their Nonswearing restore him to his Throne again, it would but just undo what they had done, which is no more than their Duty, and therefore cannot merit, no not so much as a Pardon, tho it may make them capable of it, if they fall into merciful Hands. But still there are four Years exile, and the loss of three Crowns, and the Expence of so much Blood and Treasure; the Dishonor of so many Defeats, and the Ruin of *Ireland* to be accounted for: And how can they make Restitution for all this? Which yet they must do before they can lay claim to Merit?

Let all this then be forgot, for it is their Interest it should; but they are very sanguine Men, if they hope it will. Whence then will they date their Merits?

The Non-
swearers
Behaviour
to K. J. be-
fore the Re-
volution.

When it was certainly known, that the Prince of *Orange*, now our gracious Sovereign, was ready to land, they seem'd as well pleas'd with it as other Men; and refus'd, when they were press'd to it by the late King, to declare their Abhorrence of it; but, instead of that, took upon them to give him Advice, and to publish it when they had done: In which Advice they recommended almost every Particular of the Prince's Declaration, complain'd of the same Abuses, and advis'd the calling of a Parliament to redress them; as if the Prince's Declaration, and their Advice had been drawn by the same Pen, and the Advice had been publish'd on purpose to second the Declaration. This, I suppose, they will not reckon among their Merits neither: And if they can excuse what was so hastily done at *Guild-Hall*, before the late King was gone out of the Land, they may very well be contented no more should be said of that.

Their Me-
rit in re-
fusing to
take the
Oaths.

The only Merit then they have to pretend, is their refusing the Oath of Allegiance to King *William* and Queen *Mary*, and forfeiting their Ecclesiastical, Civil, or Military Preferments for it. But what is this to the late King? Is this done out of Kindness to him or his Government? Would they not have been contented to have liv'd peaceably and quietly, as they themselves profess'd, could they have kept their Preferments, and have been excus'd from the new Oaths? And how do they merit of him, by refusing the Oaths with the loss of their Preferments, if they did it not for his sake, but for another and better Reason, for fear of being damn'd? God may reward this, but King *James* is not beholden to them. Will they be better Subjects hereafter? Will they read his Declaration, when he returns? Will they make his Will their Law? Will they submit to his next Ecclesiastical Commission, and give up their Colleges and Churches to Priests and Jesuits? Will they be content to take him the very same Man that he went away, and to serve him in his own way? Will they no more fill the Nation with the noise and fears of Popery and arbitrary Power? Will they turn Papists themselves, or stand by patiently, and give leave to his Priests to pervert Protestants as fast as they can? Will they promise to demean them-

themselves with more respect towards the King's Religion, and to leave off their old Sauciness of printing and preaching against Popery? This indeed would bid fair for Merit, but if they oppose his Methods of Government, and his glorious Designs, as much as they do King *William's* Right; if it be only a Title they boggle at, if this be all that makes them uneasy at the Change, their not Swearing does him no Service: He could have kept his Kingdoms upon these Terms before, but he scorn'd it, and so he will those who, to save their Consciences or their Honours, and to recover their Preferments, would have him upon these terms again.

As much as some Men glory in their Steadiness to Principles, which is certainly a very honourable thing, and an excellent degree of Virtue, when the Principles are plain and certain; yet few Princes (to be sure, not the late King) like such a Steadiness to Principles, as opposes their Designs: a stubborn, inflexible Conscience, is a very unruly thing, and Kings do not like such Subjects as dare oppose a King upon the Throne, whatever the Cause be. So that I suspect, their very Boldness and Resolution in opposing their present Majesties upon a mere point of Law, will be thought no Virtue fit to be rewarded by a Prince, who would make his Will superiour to all Laws.

And if the Merit of the Non-swearers is likely to vanish into nothing, especially when there is no occasion any longer to court and flatter them, and Priests and Jesuits have free liberty to comment on their Merits; what Merit will those Men have to plead, who were forward and zealous in the Revolution, have sworn Allegiance to their present Majesties, have serv'd them in their Armies and Navies at home and abroad? There is no doubt, but they shall have fair Promises and good Words at present, and shall be remembered hereafter, when there is occasion.

But suppose the Merits of the Non-swearing or For-swearing Clergy and Laity, who will help forwards another Revolution, should be acknowledg'd to be very great; what probability is there, that the Church of *England* should fare ever the better for it, when Popery and arbitrary Power stand in the way? Past Experience gives no great Encouragement to hope this. King *Lewis* was as much oblig'd to his Protestant Subjects of *France*, as it is possible for any King to be; for they set the Crown upon his Head; and how he has rewarded them, all the World rings of it. The late King was not much less beholden to the Church of *England*, when they so vigorously oppos'd the Bill of Exclusion; and how he also rewarded them, we all lately saw and felt. And shall Protestants after this, think of obliging such Princes by their Merits? They understand better, that Merit is no Protestant Doctrine, and that there can be none out of the Church of *Rome*. And why should any body expect that which cannot be? Nay, should the late King return again, and be as much at the Devotion of his Non-swearing Friends, as they promise themselves he will be; I very much doubt what the Church of *England* will gain by this. If we may guess at the Spirit of the Party by the bitter Zeal which inspires all their Writings, I can expect nothing from them, but as fierce a Persecution of the Church of *England*, as ever it suffer'd from Papists or Fanaticks, excepting *Smithfield* Fires, which possibly may be exchange'd for *Tyburn*. All who live in the Communion of the Church of *England*, as now establish'd, are in their Account and constant Language, no better than Hereticks and Schismatics, and perjur'd Apostates, much greater Crimes than the *Traditores* were guilty of, which was the only Pretence for the Donatist Schism and Persecution. They seem to comfort themselves under their present Sufferings, more with the sweet Hopes of Revenge, than any great Expectations of future Rewards; that they shall live to see the swearing Bishops and Priests, the Contempt of Princes and People: for if the * Archbishop of *York*, who is particularly nam'd, cannot escape them, I doubt they will make but very few Exceptions. And is not this a great Encouragement to any who have comply'd with the present Government, to help these Men to Power again? Must not the Nobility and Gentry expect their share of Vengeance, as well as the Clergy? And is not the Church of *England* then in a hopeful State, which must be purg'd and reform'd into *Jacobite* Principles, and by a *Jacobite* Spirit?

These are all very sensible Proofs (as far as we can reason about such Matters) how little good is to be expected from the Return of the late King with a *French* Power: He must return the same Man he went, and then Popery and arbitrary Power must return with him; nay, he must return much worse than he went, because he must return more a Vassal to *France*, which I suppose will not mend the Condition of *English* Subjects during his Reign.

These things ought to be well consider'd: for if his Government was so uneasy before, and gave us such a frightful prospect, as made the Nation very willing to part with him, when he thought fit to leave them; it would seem very strange to bystanders, should they now grow fond of his return, when it is certain if he does return, and returns by the Methods now intended, Popery and arbitrary Power must be more triumphant than ever.

K. J. his
Design was
to reign ar-
bitrarily,
and to bring
in Popery.

He wanted nothing but Power to make himself Absolute, and to make us all Papists, or Martyrs, or Refugees; and that he will now have: For if a *French* Power can conquer us, it will make him as absolute as the *French* King will let him be; or to speak properly, it will make him, tho not an absolute Prince, yet an absolute Viceroy, and Minister of *France*. He will administer an absolute Power and Government, under the Influence and Direction of *French* Counsels: And then we know what will become of the Liberties and Religion of *England*. And have we so long disdain'd the thoughts of Subjection to *France*? Has a *French* League been thought such a National Grievance? Has the pretence of a War with *France* been found such an excellent Expedient to get Money of *English* Parliaments? Has the Expectation of it fir'd *English* Spirits, and upon occasion fill'd our Armies and Navies, without need of pressing or beat of Drum? Have we so detested the *French* Cruelties to Protestants? And shall we now so willingly stoop to the Yoke, and think it a great Favour that they will vouchsafe to conquer us? Let us never complain hereafter, that our Chains pinch and gaul us, when we our selves are ready with so much Joy and Thankfulness to put them on. And whatever some fancy, they will find it a very easy and natural thing for the late King, if he return by Force and Power, to make himself absolute by Law: Princes always gain new Powers by the ineffectual opposition of Subjects: If they lose their Crowns and recover them again, they receive them with an Addition of some brighter Jewels, and turn disputed Prerogatives into legal and undoubted Rights. Thus we know it was when King *Charles 2d* return'd from a long Exile, all the new Acts and Declarations were made in favour of the Crown, and Subjects bound to their good Behaviour, as fast as Laws could bind them; for in all such Revolutions, those who suffer'd with, or for their Prince, return with Zeal and Resentment, and take care in the first place to establish all such Prerogatives of the Crown, as were disputed before, and to grant such new Powers as they think are wanting. And others there are, always forward to make their Fortunes by complementing the returning Prince, and to expiate their former crimes by a forward and flaming Loyalty; and the rest are over-aw'd and frightened into a Compliance. Thus it is commonly seen, that between Zeal, and Flattery, and Fear, the King increases in Power, and the People forfeit their Liberties; and we must not expect that it should be otherwise now, should the late King return.

How he
must be
complemen-
ed when he
returns.

The first Complement that must be made to him, is a *Jacobite* Parliament, and God knows what such a Parliament will do! Will they deny him a Toleration for Papists, the Repeal of the Test, the Forfeitures or Surrenders of Charters, and a new Regulation of Corporations? Will they dispute, nay, will they not declare his dispensing Power, and approve his Ecclesiastical Commissions? Will they make any scruple to declare the Legitimacy of the Prince of *Wales*, or to leave the manner of his Education to those who will certainly breed him up in Popery? Will they not take care for new *Jacobite* Tests to renounce and abhor all the several Hypotheses and Principles of Government, which have been urg'd to justify our Submission and Allegiance to their present Majesties? And when they have done this, how easy will it be for a downright *Popish* Parliament, which will be the next step that will be made, to do all the rest?

It is very evident what Advantages the Priests and Jesuits will have in such a Juncture to make Profelytes, while the People are in a fright, and grown giddy with such frequent Revolutions; and those, who in the late Reign were the great Advocates of the Protestant Cause, are disgrac'd at Court, threaten'd into silence, their Authority weaken'd, and their Persons reproach'd both by Papists and Jacobites. Numbers of Converts was their great want before, and the Press and the Pulpit their great hindrance; but *Jacobites* will by natural Instinct learn more Loyalty, and others will be taught it, as *Gideon* once taught the Men of *Succoth*, with Briars and Thorns. And there never was such an opportunity since the Reformation for a plentiful Harvest of Converts, as this would be like to prove. And who can bear the Thoughts of this, who has any Compassion for the Souls of Men, any Zeal for the Church of *England*, or any concern to preserve and propagate the true Faith and Worship of Christ to Posterity?

All

All this is upon a supposition of the late King's Return, which I declare to you I am not afraid of, tho it is fit to mind those Men who are so fond of it, what they may reasonably expect if he should return; which possibly may abate their Zeal in this Cause, and that may prevent the Mischiefs of an Attempt, for without a hopeful Conspiracy in *England*, the *French* King is too wary to make such an Attempt.

But if they have any Love to their Country, any pity left in them for the Lives and Fortunes of *English* Protestants, I beseech them to consider what the Calamities and Desolations of a Civil War will be; for that it must end in, if there be an Invasion from abroad, strengthened with a powerful Conspiracy at home. King *William*, as I said before, will not desert or abdicate; for I never heard of a Prince who had ventured so much to rescue a Kingdom out of so great a Danger, that would so easily expose it again to the same, or a greater Danger: And surely the late King does not expect he should, for he knows him too well. So that if they look for such another Revolution, to turn King *William* out, as brought him in, they will in all probability be mistaken. There are too many Persons of Honour and Fortune engag'd in this Cause, who know the late King too well to take his Word; and were it possible to wheedle Men of Fortune and Sense, the Genius and Spirit of the Nation is against them: And that which could make the late Revolution, will probably be able to prevent this.

It must then come to Blows if an Attempt be made, and the fortune of one Battle may not decide it; and those who are too young to remember the Desolations which the late Civil Wars in *England* made, let them look into *Ireland*, and see to what a heap of Rubbish a flourishing and fruitful Country is reduc'd by being the Scene of a three years War.

Danger of coming to blows.

It is made a popular Pretence to raise Discontents, and to make People dissatisfied to the present Government, that the Taxes for maintaining this War are grown so intolerable, and there is no prospect of an end of them: Now I must confess, that the Taxes fall very heavy upon some, and am sorry that the present posture of our Affairs does require it, and that there can be no easier ways found to supply the plain and pressing Necessities of the State: But we ought to consider, that still all this is infinitely easier than Popery and *French* Slavery, if we regard only our Estates. The annual Exactions of the Church of *Rome* (besides all the cheating ways their Priests had to get Mony) while Popery was the Religion of *England*, us'd to be complain'd of as a National Grievance, and a heavier Tax upon the Subject than all the King's Revenues: And if those who complain of our Taxes were but one Month in *France*, to see the Poverty and Misery which the *French* Government has brought upon them, they would come home very well contented to pay Taxes, and to fight against the *French* too. We are free Subjects, not Slaves; we are taxed by our own Representatives, who tax themselves as well as us; and this not by the Arbitrary Will of the Prince. We pay for our own defence and preservation, as all People ought to do; and while we do not pay near so much as our Religion, and Lives, and Liberties are worth, and have left wherewithal to maintain our selves, we have no such great reason to complain.

Taxes great.

But greater if we come under Popery.

But how heavy soever Taxes are, are they like a Civil War? like the dread and terrors of an Enemies Army, or of our own? Are they like having our Houses filled with Soldiers, or which is worse, burnt or plunder'd? Are they like losing our Friends, our Fathers, Husbands or Children, by whose Kindness or Labours we subsisted? In a word, Are they like the Spoils of Harvest, or the Desolation of a whole Country?

And can we be contented to see *England* again the Seat of War? It is certain in our present Circumstances it cannot be made so, unless we our selves please. *France* has too many Enemies to think of conquering *England* without Factions at home; and were it not for them, we need not fear its united Force: and I hope considering Men, of what Persuasion soever they be, will not think it worth the while to ruin their Country by a Civil War, to purchase a *French* Slavery and Popery; two very dear things, could we purchase them ever so cheap.

What I have said hitherto only concerns *England*; but it becomes us to look a little abroad and consider, what a fatal Influence a *French* Conquest of *England* will have upon the Affairs of all *Europe*. That it is not mere Justice and Honour that makes the *French* King espouse the Cause of the late King *James*, his Encroachments and Usurpations on his Neighbours will witness. He has no Scruples of Conscience about the Rights of other Princes, all he can get is his own: But *England* was formerly

The French Conquest of England fatal to all Europe.

merly a Friend and Confederate, at least not an Enemy; and now the Power of *England* (which the *French* have never had reason to despise) is in the Hands of a King who owes the *French* King a good turn, and will not, I hope, die in his debt. This checks his ambitious designs, gives Life and Spirit to the Confederacy, threatens to make him restore what he has taken, and what he keeps by mere Force and Violence, and to reduce him within his antient Bounds, and to the antient Constitution of the *French* Government; and he knows while King *William* possesses the *English* Throne, and keeps up the Confederacy, he must not expect to get much more, and may be in constant danger of losing what he has gotten.

This makes the *French* King so concern'd to restore the late King *James* to the Throne of *England*, to get rid of a formidable Enemy, and to strengthen himself with the Alliance of a powerful Friend; for *England* will probably turn the Scales, on which Side soever it happens to be: And there is no doubt, but the Arms of *England* must be devoted to the Service of *France*, if a *French* Power should place the late King in his Throne again; and let any *English* Protestant who can think coolly of things, consider what a malignant Aspect this would have upon the Liberties of *Europe*, and on the whole Protestant Interest.

The Power
of France
and Eng-
land con-
sider'd.

The Arms or the Mony of *France*, has hitherto been an equal Match, at least for all the Confederates; while he has found other Employment for the *Imperial* and *English* Forces: but Thanks be to God, the King of *England*, and the *English* Forces are now at leisure to attend his Motions; those Forces which beat him at the *Boyne*, at *Athlone*, at *Agrim*, at *Lymerick*, in a word, which beat him out of *Ireland*, and have now got a habit of beating the *French*. And it is no wonder that he is not fond of such company in *Flanders*, but endeavours to find some new Work for them at home. And if he can but send them home again, and embroil us in a civil War, that is one great point gain'd: but if he proves successful in his Attempt, he makes *England* his own, and will turn their Arms upon the Confederates; and what can then stand in his way? What should hinder him from being the sole and absolute Monarch of the *West*? And then it is easy to read the Fate of Protestants.

Thus, Sir, I have freely told you, what I apprehend will be the necessary and unavoidable effects of a *French* Conquest. I pretend not to Prophecy, nor to Demonstration in such Cases; but what I have said, has all the Appearances of Probability, all the degrees of moral Certainty that any thing of this nature can have; and that is the only Rule in these Matters by which wise men are to judg and act.

And this has prepar'd a plain and easy Answer to your second Question, What *English* Subjects are bound in Conscience to do, in case the late King should land in *England* with *French* Forces to demand his Crown?

Now there are two sorts of Persons concern'd in this Question: 1. Those who have not sworn Allegiance to King *William* and Queen *Mary*, but account the late King *James* as much their King, as he was when he sat upon the Throne; and that their Obligations to him are the same now that ever they were. 2. Those who have sworn Allegiance to King *William* and Queen *Mary*. And there are two parts of this Question: 1. Whether they are bound in conscience to assist the late King, if he return? 2. Whether it be lawful for them to oppose him, and fight against him?

As for the first part of this Question, and as far as it concerns the Non-swearers, I shall ask them two or three Questions, and leave them to answer them themselves.

The Non-
swearers
are not ob-
lig'd to
fight for K.
J. and Po-
pery.

1. The first Question is, Whether they can think themselves bound in conscience, upon any pretence whatever, to fight for Popery against the Protestant Faith and Worship; that is (as they must confess, if they are Protestants) to fight for Heresy and Idolatry against the true Faith and Worship of Christ; or to fight for Antichrist, and against Christ? Can any Consideration make this lawful? If nothing can (as I will venture to take it for granted, that nothing can) then whatever Duty they may fancy they still owe to their abdicated Prince, it cannot be their Duty to fight for him, when they cannot fight for him, without fighting against Christ and his Religion. Tho they must not fight against their Prince for Christ, because Christ in such cases requires his Disciples to suffer, not to fight for him; yet it does not follow, that they must fight for their Prince against Christ, to bring a Persecution upon his Faithful Disciples, and to contribute what they can to extirpate the Name and the Religion of Protestants out of *Europe*.

Do they think themselves bound in Conscience to fight for their Prince, against the Laws and Liberties of their Country, as well as against the Faith and Worship of Christ? Let the Rights of Princes be ever so sacred, have the

the rest of Mankind no Rights, but only Princes? Is there no such thing as Justice due to our selves, nor to our Fellow-Subjects? Have the Free-born Subjects of *England*, no natural, no legal Rights? And is there any Law of God or Man, to fight for our Prince, against the Laws and Liberties of our Country, which are the Measures and Boundaries of that Duty which we owe to Princes? that is, to fight for our Prince, against the Rule of our Duty and Obedience to Princes; when our Prince, and the Laws and Liberties of our Country are on contrary sides: tho we should grant them (according to their own Principles) that we must not fight against our Prince for our Laws and Liberties, yet no more must we fight for our Prince against our Laws and Liberties. It is abundantly enough, to be Passive in such cases; but a Nation which fights against its own Laws and Liberties, is *Felo de se*, guilty of the worst kind of Self-Murder. Can any *English-Man*, whatever opinion he has of the late King's Right, think himself bound in conscience to maintain his Right, by giving up his Country to *France*? to make him King, and all his Subjects *French Slaves*? For can any Prince have more Right to be King of *England*, than the Kingdom of *England* has to be *England*?

Not oblig'd to fight against the Liberties of their Country.

Is it not an unaccountable Tendernefs and Scrupulosity of Conscience, to be so concern'd for any one Prince's Right, as to sacrifice the Rights and Liberties of all the Princes in *Europe* to his? To set him upon the Throne, to drive all other Princes from theirs? We are Citizens of the World, as well as Subjects of *England*, and have our Obligations to Mankind, and to other Princes, as well as to our own: and tho our Obligation to no one other Prince is so great as to our own, yet the publick good of Mankind, or of a great part of the World, is a more sacred Obligation than the particular Interest of our own Prince or Country; much less then can the Right of any particular Prince, be it what it will, stand in competition with the Rights and Liberties of our own Country, and of all *Europe* besides.

The Absurdity of the Jacobites Principles.

It is to no more purpose to dispute with Men who do not feel the Force of this Argument at the first hearing, than to reason with blind Men about Colours; they have no Sense left, nothing but a stupid and slavish Loyalty; all things, tho ever so sacred, must give place to this: the Care of Religion, the Love of their Country, their Justice and Charity to all Mankind, must vail to their senseless Mistake of the true meaning of this Word Loyalty; by which they will needs understand an absolute Obedience, without Limitation or Reserve; when most certainly, it signifies no more than Obedience according to Law.

2. I would ask them, What they would think themselves bound to do in such cases, were the late King upon the Throne again? Unless they have chang'd their Minds (and then they are not so steady to Principles, as they pretended to be) we may very reasonably guess what they would do, by what they did while he was upon the Throne. It is certain they so much dislik'd his open Designs of Popery and arbitrary Power, that they oppos'd him as far as they durst, and would not fight for him to keep him on the Throne: nay, by their Examples and Counsels, they had so influenc'd the Army, that they would not fight for him neither; and so possess'd the Country, that the Nobility and Gentry took Arms, and declar'd for the Prince of *Orange*, which they thought they might very well do, when the Bishops would not declare against him. This was then thought consistent enough with the *High-Tory-Loyalty*; and yet if they were not then bound to fight for him to keep him on his Throne, I am at a great loss to know, how it comes to be their Duty now to fight for him to restore him to it: He was certainly their King then, and yet they would not fight for him, no not to defend his Person, Crown and Dignity. And tho they call him their King still, it is certain he is not King of *England*, whatever right they may think he has to be so; and therefore to fight for him now, is not to fight for the King, but to fight to make him King again. But to let that pass, suppose him to be their King, since they will have him so, how do they come to be more oblig'd to fight for him now he is out of the Throne, than they were to fight for him while he was in it? If they think it their Duty to fight for their King against the Religion, the Laws, and the Liberties of their Country, it was their Duty to have fought for him then; if they do not think this, it cannot be their Duty to fight for him now.

Questions put to them.

But they did not expect what follow'd; they desir'd to have their Laws and Liberties secur'd, but not that he should lose his Crown: I believe very few did then expect what follow'd, no more than they do now consider what will follow: But since he would leave his Crown, Who could help it? For no body took it from him.

Q. if the
Jacobites
are oblig'd
to assist K.
J. in set-
ting up Po-
pery and
arbitrary
Power.

3. Let me then ask them another Question: Whether they would think themselves bound in Conscience to fight for him, did they verily believe, that if he recover'd his Throne, he would as zealously promote Popery and arbitrary Power, as he did before? If they say they would not, they have been at their *non putaram* once already; a second oversight in the same kind, would be worse than the first. If they say they would, I give them over, as profess'd Enemies to the true Religion, and the Liberties of Mankind.

This I hope may satisfy the Non-Swearers, if they will coolly and seriously consider it, that they are not bound in conscience to fight for the late King; nay, that they are as much bound in conscience not to fight for him, as they are bound not to fight against the Protestant Religion, and civil Liberties, not only of *England*, but of all *Europe*.

The Obliga-
tions of
such as have
taken the
Oaths to K.
W. and Q.
Mary.

2. As for those who have sworn Allegiance to King *William* and Queen *Mary*; besides all the former Considerations, they are under the Obligations of an Oath, not to fight against their present Majesties, whose sworn Subjects and Liegemen they are. For let them expound Faith and true Allegiance, to as low a sense as possibly they can, the least that they ever could make of it, is to live quietly and peaceably under their Government; not to attempt any thing against their Persons or Crowns, not to hold any Correspondence with, nor to give any Assistance to their Enemies: and therefore to countenance a *French* Invasion, or to assist the late King in recovering the Throne, which their Majesties so well fill, and which they have sworn not to dispossess them of, must be downright Perjury. If they be sure that their Oaths to the late King still oblige them, that indeed would make void the Obligation of this second Oath; but then they must be guilty of Perjury in taking it, and by the breaking of it will declare to all the World, that they deliberately and wilfully perjur'd themselves when they took it: and let them remember this, when they take Arms against their Majesties, and let them expect that Recompence which they deserve.

Those who took this, only as a temporary Oath, which oblig'd them no longer than till the late King should return into *England* again to demand his Crown, are guilty of Perjury, if they keep it no longer than till they have a promising opportunity to break it: For this is to mock God, and to deceive the Government by their Oaths. For no Man can think that the meaning of the Oath was no more but this, *I do promise and swear to bear Faith and true Allegiance to King William and Queen Mary, till I have Power and Opportunity by the return of King James with a French Army, to join his Forces, and to assist him to recover his Throne.* Those who will take and keep Oaths at this rate, we must leave to God: But nothing is more plain and certain, than that the new Oath of Allegiance obliges all, who have taken it, under the guilt of Perjury, at least not to fight for the late King against King *William* and Queen *Mary*.

And here I may very fairly conclude, without entering into a longer dispute about the lawfulness of fighting against a foreign Army, tho the late King were at the Head of it: for were those, who scruple this, satisfy'd that they ought not to fight for him, their present Majesties have Friends enow, who are very well satisfy'd to fight against him; especially bringing along with him the greatest Enemies both to the Protestant Religion, and to the civil Liberties, not only of the *English* Nation, but of all the Kingdoms and States of *Europe*, *France* it self not excepted.

However, this Letter is large enough already, and if I find you desire farther Satisfaction in this Matter, especially about the late King *James's* Declaration, which is lately come to my Hands, you may expect a speedy account of it in a second Letter from

Sir, Yours.

A

A second LETTER to a Friend, con- Printed in
cerning a French Invasion. 1692.

In which the Declaration lately dispers'd under the Title of, His Majesty's most gracious Declaration to all his loving Subjects, commanding their Assistance against the Prince of Orange and his Adherents, Is entirely and exactly publish'd, according to the dispers'd Copies; with some short Observations upon it.

S I R,

HAVING in the Conclusion of my Letter promis'd you, if you desir'd it, to give you an Account of the late King James's Declaration, I will make no Excuses, but like a sincere Protestant, will keep my Word with you.

This Declaration has been industriously scatter'd about both in *French* and *English*, by the Enemies of the present Government. Now to save them any farther Trouble of this kind, and that the World may see, we dare venture it, with all the Charms that are by some thought to be in it, among the People of *England*, I have thought it the fairest way to print the whole *verbatim*, Paragraph by Paragraph, with some short Observations upon it; and only desire you to remember, That my principal Design in it, is to strengthen the Arguments of my former Letter, and to make it appear from this very Declaration, how little reason *English* Protestants have to promise themselves, that the late King will be kinder to them, than he was before, should he now return with a *French* Power.

DECLARATION.

WHEREAS the most Christian King, in pursuance of the many obliging Promises he has made us, of giving us his effectual Assistance for the recovering of our Kingdoms, as soon as the Condition of his Affairs would permit, has put us in a way of endeavouring it at this time; and in order to it, has lent us so many of his Troops, as may be abundantly sufficient to unty the Hands of our Subjects, and make it safe for them to return to their Duty, and repair to our Standard; and has notwithstanding for the present, according to our Desire (unless there should appear further Necessity for it) purposely declin'd sending over Forces so numerous, as might raise any Jealousy in the Minds of our good Subjects, of his intending to take the Work wholly out of their Hands, or deprive any true Englishman of the part he may hope to have in so glorious an Action, as is that of restoring his lawful King, and his antient Government (all which Foreign Troops, as soon as we shall be fully settl'd in the quiet and peaceable Possession of our Kingdoms, we do hereby promise to send back, and in the mean time to keep them in such exact Order and Discipline, that none of our Subjects shall receive the least Injury in their Persons or Possessions, by any Soldier or Officer whatsoever) Tho an Affair of this nature speaks for it self, nor do we think our selves at all oblig'd to say any thing more upon this occasion, than that we come to assert our just Rights, and to deliver our People from the Oppression they lie under; yet when we consider how miserably many of our Subjects were cheated into the late Revolution by the Art of ill men, and particularly by the Prince of Orange's Declaration, which was taken upon trust, and easily believ'd

liev'd then, but since appears notoriously false in all the parts of it, consisting no less of Assertions that have been evidently disprov'd, than of Promises that were never intended to be perform'd. To prevent the like Delusions for the time to come, and to do as much as lies in our Power, to open the Eyes of all our Subjects, we are willing to lay the whole Matter before them in as plain and short a manner as is possible, that they may not again pretend Mistakes, or have Ignorance to plead for any false steps they shall hereafter make towards the Ruin of their own, and their Country's Happiness. —

OBSERVATIONS.

The Fr. King's
Promises to
K. J. to re-
store him.

It begins with a thing very surprizing and memorable, That the French King hath once in his Life made good his Word, and kept his Faith; for so the late King James tells us he hath done with him, in pursuance of the many obliging Promises he had made him, of giving him effectual Assistance for the Recovery of his Kingdoms, &c. Effectual Assistance is a big Word, and more than the greatest and most puissant King is able always to make good. However I am glad to see they begin to endeavour to perform their Promises to one another: It is a good quality, and it is to be hop'd they may in time extend it further. But this satisfies me, that the French King thinks it his Interest to restore the late King James; for he was never known to keep his Promise against his Interest; and it is somewhat surprizing, that the French King, and English Protestants, should have the same Interest.

Why not
more Fr.
Forces sent.

He seems sensible, that French Troops would not be very welcome in England; and therefore to qualify this Matter, he says, That the French King at his desire, has purposely declin'd sending over Forces so numerous, as might raise any Jealousy of a French Conquest; for that is the plain English of it, that they shall be kept under exact Discipline while they are here, and that he will send them home again, when he is fully settl'd in the quiet and peaceable Possession of his Kingdoms. But I thank God with all my Heart, that there is no danger now of these French Troops coming into England; which is a much greater Security to us, than both these Kings Promises for their good Behaviour here, or for their Return home again. It is certain, that one of them could not keep his Word, if he would; and it is as certain, that the other would not, as it is that it would not be his Interest to do it; for there is not the same Reason for the French King to keep his Promise of sending Troops into England, and to keep his Promise of sending no more than the late King wants, or of calling them home again when he wants them no longer. But before I proceed to more particular Observations, it will not be amiss (and the Conclusion of this Paragraph requires it) briefly to consider what is not in the Declaration, which the People of England had all the Reason in the World to have expected in it.

Now I can find but very little in it, I might with great Truth say, nothing, which a reasonable Man who remembers the late Reign, especially the Conclusion of it, would have expected in such a Declaration.

K. J. pro-
mises no
Satisfac-
tion.

If the Design of such a Declaration be to give Satisfaction to the Minds of his Subjects, it ought at least to have contain'd as good Words, and fair Promises, as a Prince could give: He knew very well, what it was that had alienated his Subjects from him; that they apprehended their Laws, their Religion, and their Liberties, to be in great danger; and could not but know, that he had given them too just occasion for such Jealousies and Fears: and it is wonderful, that he should think of publishing a Declaration, and not think fit to give the least Satisfaction about these Matters; not to say one word about Popery and arbitrary Power, nor to give any express promise, that he would remove these Fears.

Pleas only
the Justice
of his Cause.

The only thing he appeals to, is the Justice of his Cause; and does not think himself oblig'd to say any thing more upon this occasion, than that he comes to assert his own just Rights, &c. But this was not the Controversy between him and his People; they did not dispute then his Right to the Crown (tho they have some Reason to do it now) and yet were willing to part with him, when he thought fit to leave them; and if he knew what made them so, and hop'd to return again by their Assistance, and with their good-liking, any one but those of his own Council would have thought him oblig'd to say something of it.

K. J. his ill
Govern-
ment set
out.

The P. of O's Declaration put him in mind of this, which he says cheated his Subjects into the late Revolution; and it had been much more to the purpose to have discover'd the Cheat of that Declaration, or to have said nothing of it, than to affirm without any proof, that now it appears to be notoriously false in all the parts of it; for English Protestants know nothing to this day but that it is all true still. Were there not in the late Reign open and bold Attempts made against the Laws, the Liberties, and the Religion

gion of these Kingdoms? Was not the dispensing Power set on foot for those Purposes? Were not the Judges tamper'd with, to obtain a Sentence in favour of the dispensing Power, and plac'd and displac'd, till they could find fit Tools for that Work; Men who would sacrifice the Laws and Religion of their Country to the Will of their Prince, or to their own Covetousness and Ambition? Were not the Oaths of Allegiance and Supremacy, and the Test, dispens'd with upon this Pretence, and Men unqualify'd by Law, put into Ecclesiastical, Civil, and Military Preferments, to the apparent Danger both of Church and State? Was there no Ecclesiastical Commission set up, no Popish Chappels, Monasteries and Convents erected and endow'd contrary to Law? Were not the Nobility and Gentry closeted and examin'd about the Repeal of the Test, and those disgrac'd and turn'd out of all Offices and Employments, who would not comply? Were not the Bishops sent to the Tower, and try'd in *Westminster-Hall*, for their humble Petition to him against reading the Declaration? Was not the Administration of Justice, and the greatest Military Trusts put into the Hands of Papists? Were not the Charters of Cities, Towns, and Corporations seiz'd into the King's Hands, and so new model'd, that the King might chuse what Burgesses he pleas'd, and have a House of Commons of his own Creatures? Were there not visible Grounds of Suspicion concerning the Birth of the pretended Prince of *Wales*? And has there been sufficient Satisfaction given the Nation about it to this day? These are the Grievances complain'd of in the Prince's Declaration, which were believ'd then, not upon the Authority of the Declaration, but because they were seen and felt; and are believ'd still, because they are still remembred by those who saw and felt them: and how they have since been evidently disprov'd, I cannot guess. But if such things as these are not thought fit to be own'd as Mistakes in Government; if it was not thought fit to promise the Redress of any one of them, no not in his Declaration, whereby he commands and invites his Subjects to assist him in recovering his Kingdoms; I can easily guess, that they will not be thought Faults, much less be redress'd if he should return: They must be his very loving Subjects indeed, that can be thus impos'd upon.

DECLARATION.

*And therefore, to take the Matter from the beginning, it cannot be forgotten, that as soon as we had certain Notice of the Prince of Orange's unnatural Design of invading our Kingdoms, with the whole Power of the United Provinces, we first took the best care we could to provide for our Defence; which we seem'd effectually to have done, when we had put our Fleet and Army into such a Condition, that tho his most Christian Majesty, who well saw the bottom of the Design against us, against himself, and indeed against the Peace of Europe, offer'd us considerable Succours both by Land and Sea; we did not think it at all necessary to accept them at that time, as resolving to cast our selves wholly (next to the divine Protection) upon the Courage and Fidelity of our English Army, which had been with so much Care and Tenderneſs form'd and oblig'd by us. And having thus prepar'd to oppose Force to Force; we did, in the next place, apply our selves to give all reasonable Satisfaction to the Minds of our good Subjects, by endeavouring to undeceive them, and to let them see betimes, and whilst the Mischief might easily have been prevented, how fatal a Ruin they must bring upon their Country, if they suffer'd themselves to be seduc'd by the vain Pretences of the Prince of Orange's Invasion. However, so great was the Infatuation of that time, that we were not believ'd till it was too late. But when he was oblig'd to throw off the Mask by degrees, and that it began to appear plainly that it was not the Reformation of the Government (which yet was a Matter that did not at all belong to him to meddle with) but the Subversion of it, that he aim'd at, that so he might build his own ambitious Designs upon the Ruins of the English Nation; and when the Poison had insinuated it self into the vital Parts of the Kingdom, when it had spread over our whole Army, and so far got into our Court and Family, as not only to corrupt some of our Servants that were nearest our Person, and had been most highly oblig'd by us, but not even to leave our own Children at that time uninfected: When our Army daily deserted on the one hand, and on the other hand Tumults and Disorders encreas'd in all Parts of the Kingdom; and especially, when shortly after the Revolution came on so fast, that we found our selves wholly in our Enemies Power, being at first confin'd by them in our own Palace, and afterwards rudely forc'd out of it under a Guard of Foreigners; we could not then but be admonish'd, by the Fate of some of our Predecessors in the like Circumstances, of the danger we were in, and that it was high time to provide for the Security of our Person (which was happily effected by our getting from the Guard that was set upon us at *Rocheſter*, and our Arrival in France, the only Part in Europe*

Europe to which we could retire with safety) that so we might preserve our selves for better times, and for a more happy Opportunity; such as is that, which, by the Blessing of God, is at present put into our Hands.

OBSERVATIONS.

K. J. intends to give no Satisfaction about the Grievances of his Reign.

To begin with the certain notice of the Prince of Orange's Design, is not to take the Matter from the Beginning. Had he intended to give any Satisfaction to *English* Subjects, he should have begun, where their Complaints and Grievances, occasion'd by his arbitrary and illegal Government, began; that is, where the Prince's Design, and his own Abdication began. That he took the best Care he could for his own Defence, no Man questions; and had he taken less, it would not have been taken ill by the Nation. That his Christian Majesty saw this Design was against himself, long before the late King was sensible of it, appears from the Memorial printed at the *Hague*, 9 Septemb. 1688. by *Monsieur de Conte d' Avaux*, the *French* King's Ambassador: But when he says 'twas against the Peace of *Europe*, I confess, I know not how to understand it, unless by the Peace of *Europe* his most Christian Majesty mean an universal Desolation, which he was making as fast as he could. For this cannot be deny'd to be a most certain and effectual way of settling a Country in Peace, to lay it waste, and to destroy and drive out the Inhabitants. To prevent which indeed, was the bottom of this Design; and the most effectual way to do it, was to divide *England* from the Interest of *France*.

K. J. offered Fr. Assistance.

That the *French* King, to prevent this, did offer King *James* the Assistance of his Forces, is very probable from the same Memorial, which threatens the *Dutch* with it; and how this Assistance came to be refus'd, we learn from my Lord *Sunderland's* Letter, printed in the History of the Desertion, which, with some other Counsels (that thwarted the Popish Designs) cost him his Religion, and soon after the Favour of his Prince, and his Preferments at Court.

K. J. his Love to an Irish Popish Army.

That he had no such great Confidence in the Fidelity of his *English* Army, was too evident in the daily Reformatations he made in it; exchanging Protestants for Papists, and *English-Men* for *Irish*; which occasion'd that memorable Accident at *Portsmouth*, which gave such a general disgust to the Army, in a very lucky Season, as greatly dispos'd them either to go over to the Prince, or at least not to fight against him.

That he did many things in the time of his Distress to sweeten his Subjects, is true; but he was much mistaken if he thought this sufficient to give reasonable Satisfaction. He undid many things, which he had illegally done; but he did this so late, and it was so apparently a Matter of Force, owing to the change of his Fortune, not of his Inclinations, and then too done with so ill a Grace, that I could observe no body that was then satisfy'd with it.

K. J. owns no Illegality in what he did amiss.

He restor'd the Charter of *London*, and of other Cities and Corporations; he dissolv'd the Ecclesiastical Commission, restor'd *Magdalen College*, but never own'd the Illegality of these Proceedings; would never renounce his dispensing Power; would never be perswaded by the most humble Petition, and earnest Importunities of his Lords and Bishops, to call a free Parliament, and to refer the Redress of all Grievances to them, till he seems to have form'd a Design of leaving *England*: and then his issuing out of Writs, which he resolv'd should never be executed, could do him no hurt, and would have a good Appearance, as if he had been willing to have refer'd all to a Parliament, had not the growing Power of his Enemies made it more necessary for him to consult the Safety of his own Person.

His Favors were extorted.

The Case of *Magdalen College* convinc'd all Men, that these were extorted Favors, and would last no longer, than it was safe to recal them.

King *James* had given his Orders to the Bishop of *Winchester*, the Visitor of that College, to recal Dr. *Hough*, and the former Fellows of that Society, and he accordingly went down to reinstate them; but upon the News that the *Dutch* Fleet had suffer'd much in a Storm, and probably could not sail till the next Spring, his Lordship had new Orders sent to call him back; but that News proving false, he was permitted to return, and to pursue his first Orders: This, it seems, was all the reasonable Satisfaction that could be given, what his Graces and Favours to Protestants were, and how long they would last.

Fr. of O. vindicated.

As for what concerns the Prince of *Orange*, now our gracious King, I know of no Mask he had on, nor that ever he threw off, or that he afterwards appear'd to be any other than his Declaration had represented him. He came not for the Crown, but to reform Abuses, and to secure the Succession, which the Right of his Princess, and

and his own Right and Interest, the Preservation of the Protestant Religion, and of the Liberties of *Europe*, gave him Right and Authority to meddle with; but besides his Expectation, and original Intention, he has the Crown which he came not for: he has deceiv'd nobody in it; but if any one be deceiv'd, King *James*, and the People of *England* have deceiv'd him; the one in leaving his Crown, and the other in placing it on his Head, where indeed it ought to be, both in Right of his Princess, and for his own Merits; for he who saves a Nation, had he no other Claim or Title, may very well deserve to wear the Crown, especially when it was with the free Consent of the Princess, our most gracious Queen, and upon the Desire of the Estates of the Realm, and still necessary to save the Nation.

In the next place, He justifieth his leaving *England*, for the Security of his Person, *K. J. endeavours to vindicate his Desertion.* being wholly in the Enemies Power, and first confin'd by them in his own Palace, and afterwards rudely forc'd out of it under a Guard of Foreigners. But if he had forgot it, others have not, that before this happen'd, he had privately withdrawn his Person, disbanded his Army, dissolv'd his Government, flung his Broad Seal into the *Thames*, and had never had this pretence for his escape, had he not been stopp'd by a Mistake, for nobody intended to stay him; and all this while he was in Treaty with the Prince, and that upon such equal Terms, that he could be under no just Apprehension of ill Usage.

He excuses his going to *France*, because it was the only part in *Europe* to which he could retire with Safety: which is a Confession, that he alone was in the French Interest against all *Europe* besides; and that he durst not trust his Cause with any other Princes in *Christendom*; which argues either a great Jealousy of his own Cause, or of their Justice and Honour, even to distress'd Princes. But I am sure *France* was the only Place in *Europe* he ought to have avoided; and if he had no other place to go to, he ought to have ventur'd himself at home, or to have gone to *Rome*, which had been a kind of second Home, unless he intended to resign his Crown. He knew what Opinion *English* Subjects had of his most Christian Majesty, and might have known, that they would never fetch him from *France* again, nor willingly receive him with a *French* Power. What a happy Opportunity he now has to recover his Kingdoms again by *French* Troops, I suppose by this time he begins to discern; and I hope it may prove a very happy Opportunity for his dear Ally to lose his: he has shew'd him by his own Example what to do in such cases; and the *English* Parliament has taught the *French* what name to give it. *And his going into France.*

DECLARATION.

Upon what foundation of Justice, or common Sense, the Prince of Orange's Faction in *England* were pleas'd to treat this Escape of ours out of the Hands of our Enemies, in the Stile of an Abdication; a word, when apply'd to Sovereign Princes, that was never before us'd to signify any thing but a free and voluntary Resignation of a Crown, as in the Cases of the Emperor Charles the Fifth, and the late Queen of Sweden: and what a strange Superstructure they rais'd upon this weak Foundation, that a Company of Men illegally met together, who had not Power, even by their own Confession at that time (for it was before they had voted themselves a Parliament) to charge the Interest of the meanest Subject; should yet take upon them to destroy the whole Constitution of the Government, to make an antient Hereditary Monarchy become Elective; and then assuming to themselves the Right of Election, should proceed to settle the Succession in so odd and extravagant a manner, are Transactions that need not be repeated: They are too well known to the World, to the great Reproach of the *English* Nation; and the Grounds upon which they are built, are too vain and frivolous to deserve a Confutation. Every Freeholder of *England* is, in this Case, able to make his own Observations; and will, no doubt, examine a little better than hitherto he has done, what Assurance any private Man can have of keeping his Estate, if the King himself shall hold his Crown by no better a Title.

OBSERVATIONS.

His leaving the Kingdom for the Safety of his Person, and to preserve himself for better times, and for a more happy Opportunity, he says, was no Abdication, as that signifies a voluntary Resignation of his Crown; nor do I say it was: But his withdrawing his Person and Authority, was an actual quitting of the Government: whatever it is in Law, I'm sure in common Sense, the Throne is actually empty, when no body is in it; and no body is in it, when there is no Authority in the Nation to administer the Government. And when the Throne is empty, the Estates of

the Realm (who are the only supreme Authority, when there is no Monarch) must fill it again, unless the Government must dissolve; and then there is an end of all Rights and Claims: And this they have done, not by turning an antient Hereditary Monarchy into an Elective, but by placing the next undoubted Heir on the Throne. And tho he never intended to give up his Right and future Claim, yet he has done what he never intended to do: when the Throne is empty, it must be fill'd; and when it is declar'd vacant, and fill'd by the supreme Authority of the Nation, there is no room for him there.

The Authority of the Convention Parliament vindicated.

As for the Convention of Estates; When there was no King on the Throne, we do not pretend that they were a formal Parliament, for that must have a King at the Head of it; and therefore, as is observ'd in the Declaration, they could impose no legal Taxes on Subjects, nor did they attempt it: but yet they were not a Company of Men illegally met together, without Authority to do any thing; but they met at the Request, and under the Protection of the then Prince of Orange, upon the fundamental reasons of the Constitution it self, as the sole Judges of all Disputes relating to the Crown. Such Disputes will sometimes happen, and if there be no legal Judges of it, the Sword must decide it, and that is a State of War, not of civil Government, which all Governments are suppos'd to provide against: and yet if the Convention of the Estates are not the proper Judges in such Cases, it is certain there are none; and then the civil Government is dissolv'd; we are in a State of War, and must submit to the longest Sword. But this is so fully and plainly stated in the late ingenious *Reflections on the Case of Allegiance to a King in possession* from p. 26. to p. 34. that to shorten this Letter as much as I can, I shall refer you to that Author for further Satisfaction.

So that Freeholders are not at all concern'd in this Matter; a Convention of Estates without a King, cannot meddle with their Properties without a Dissolution of the Government: But when there is no King, or it is a Question whether there be or not, or who is King by the fundamental Constitution of the Government, the Convention of the Estates are the sole and proper Judges of it; in whose Determination all private Subjects are bound in conscience to acquiesce. And the late King need not complain of this, as if it made the Titles of Princes to their Crowns very uncertain and arbitrary: For he had an unquestionable Title to his Crown, and might have held it to this day, if he himself had not undermin'd it, by breaking in upon the Laws, and even upon the Constitution it self, upon which his Right was founded: This occasion'd such a Revolution, as forc'd him to abdicate, and to leave it to a Convention, to declare his Throne vacant, and to fill it.

DECLARATION.

But since some Men, who could not say one word in Defence of the Justice of these Proceedings, would yet take great pains to shew the Necessity of them, and set forth the extraordinary good Effects that were to be expected from so very bad a Cause; we do not doubt but the Nation has by this time cast up the Account, and when they shall have well consider'd, what Wonders might have been perform'd with less Expence of English Blood, than that which has been unnecessarily trifi'd away in this Quarrel; that such a number of Ships of War have been lost and destroy'd in the three years last past, as might alone have been sufficient to have made a considerable Fleet; that more Money has been drain'd out of the Purses of our Subjects in the Compass of that time, than during the whole Reigns of many of our Predecessors put together; and that not as formerly, spent again, and circulating among them, but transported, in specie, into Foreign Parts, and for ever lost to the Nation: When these and many other Particulars of this Nature are cast up, it must certainly appear at the Foot of the Account, how much worse the Remedy is than the fancy'd Disease, and that at least hitherto, the Kingdom is no great Gainer by the Change.

OBSERVATIONS.

The good effects of the Revolution.

I doubt his late Majesty is misinform'd; for there are not only some, but a great many, who have more than one word to say, both for the Justice, and the Necessity of these Proceedings, and the whole Nation already feels the extraordinary good Effects of them, notwithstanding the Expence of Blood and Treasure, of which he complains; for we know whom we are to thank for that. And the best way to prevent the Effusion of more Blood, and the Expence of more Money, is to keep out his French Troops, and to know when we are well. Revolutions are and will be bloody, and chargeable, and therefore one Revolution is enough for one Age;

Age: The *Dutch* are already paid, and we don't desire to pay the *French* too, which is a much longer Account, and we shall get less by it. We have hitherto had something for our Money, and something that is very valuable, our Laws, and Liberties, and Religion; but I believe the Nation will think it a hard Bargain, to pay ten times the price for *French* Popery and Slavery.

The Nation, as he says, has cast up the Account, and I believe above Nineteen parts in Twenty have consider'd the Matter so well, that they are come to a fixt Resolution to oppose the intended Invasion to the utmost of their Power.

As for the loss of the *Ships of War*, it now appears (God for ever be praised for it) that their Majesties have a Fleet still left considerable enough, and faithful too (notwithstanding all the Arts and Endeavours of our Enemies to debauch them from their Allegiance) to deal with, and even to destroy the Naval Power of *France*.

DECLARATION.

The next Consideration is, What may reasonably be expected for the time to come: And as to that, no better judgment can be made of any future Events, than by reflecting upon what is past: And doubtless from the observation of the Temper and Complexion, the Methods and Maxims of the present Usurper, from the Steps he has already taken, when it was most necessary for him to give no distaste to the People, as well as from the Nature of all Usurpation, which can never be supported but by the same ways of Fraud and Violence by which it was first set up; there is all the reason in the World to believe, that the beginning of this Tyranny, like the five first Years of Nero, is like to prove the mildest part of it; and all they have yet suffer'd, is but the beginning of the Miseries which those very Men, who were the great Promoters of the Revolution, may yet live to see and feel as the Effect of that illegal and tyrannical Government, which they themselves first impos'd upon the Kingdoms.

OBSERVATIONS.

There is no Answer needs be given to this, which may always be said of the best Beginnings of the best Government: We for our part find no fault with his Majesty's Government yet, and see no reason to suspect it for the future: Taxes are the only Cause of complaint now, and yet few complain of them but *Jacobites*, who out of their great Zeal for the late King, pay double Taxes to the present Government to keep him out, which does him more mischief than *Jacobite* Oaths could do; and yet, thanks be to God, we have a hopeful prospect of the end of these Taxes, and have been so well repaid of late, that we shall not grudge to clear the Account, that we may have something to call our own. But of all Men in the World (excepting always his most Christian Majesty) the late King should not attempt to frighten us with the dangers of Misgovernment, for a good reason in which himself is too nearly concern'd, and which all *English* Protestant Subjects very well know. As to what relates to the first five Years of Nero; this certainly is a piece of the Secretary's own Pedantry, to shew his great reading, and to impart to us one of the choicest Secrets in the *Roman* History. All comparisons of Princes with Nero are very odious; but I know not how he could have made one more to the advantage of King William, than to compare his Reign hitherto with the first five Years of Nero, which the *Roman* Historians tell us may compare with that of the best of their Emperors. But however this I am sure of, that 'tis better to begin a Reign as Nero did, than to begin where he ended, as two other Kings have done, and to go on to improve and perfect that ill Pattern; to which, if God had not mercifully prevented it, they were, not above a month ago, just ready to have given their last hand, and the finishing strokes.

His Majesty's Government vindicated.

DECLARATION.

And yet the Consideration must not rest here neither: For all wise Men ought, and all good Men will take care of their Posterity; and therefore it is to be remembred, that if it should please Almighty God, as one of his severest Judgments upon these Kingdoms, for the many Rebellions and Perjuries they have been guilty of, so far to permit the continuation of the present Usurpation, that we should not be restor'd during our Life-time, yet an indisputable Title to the Crown will survive in the Person of our dearest Son the Prince of Wales, our present Heir apparent, and his Issue; and for default of that, in the Issue of

such other Sons as we have great reason to hope (the Queen being now with Child) we may yet leave behind us: And what the Consequences of that is like to be, may easily be understood by all that are not strangers to the long and bloody Contentions between the two Houses of York and Lancaster; and whoever shall read the Histories of those Times, and there shall have presented to him as in one view, a Scene of all the Miseries of an Intestine War, the perpetual harassing of the poor Commons by Plunder and Free-quarter; the ruin of many noble Families by frequent Executions and Attainders; the weakning of the whole Kingdom in general at home, and the losing those Advantages they might in the mean time have procur'd for themselves abroad, cannot but conclude that these are the natural Effects of those Strugglings and Convulsions that must necessarily happen in every State where there is a Dispute entail'd between an injur'd Right and an unjust Possession.

OBSERVATIONS.

Popery and
Slavery to
be resisted
at any time
and rate.

This will need but a very short Answer: For as to the Civil Wars he threatens our Posterity with from the Pretences of the *Prince of Wales*, I must needs say I had rather, if it must come to fighting, that they should fight for the Crown twenty or thirty Years hence, than now. Give Peace in our Days, O Lord. I had rather our Posterity should enslave themselves, if they shall have a mind to be enslav'd, than that we should enslave our selves and our Posterity with us. There is no such hast of bringing in Popery and Slavery; and 'tis to be hop'd, if we be true to our Religion and Liberties, our Posterity may grow wise by our Example. But I must observe, that whereas the *Prince of Wales* in this *English* Declaration is call'd the *Heir Apparent*, in the *French* Declaration he is call'd only the *Presumptive Heir*. Perhaps *Presumptive Heir* in the *French* Law, may be the same with *Heir Apparent* in ours: If it be not, What did Sir E. H. or whoever was the Penman of this Declaration, mean by it? Will they set aside the Pretences of the *Prince of Wales*, if the late Queen *Mary* (who is said to be with Child) in good truth bring forth a Son? This looks very suspiciously, as if they did not believe they had given sufficient Satisfaction about the Birth of this pretended *Prince of Wales*; but however, we must presume him *Prince of Wales*, till they have another whom they can by better Proof make out to be the unquestionable Son of the late Queen *Mary*.

DECLARATION.

There is another Consideration that ought to be of weight with all Christians; and that is the calamitous Condition of Europe, now almost universally engag'd in a War among themselves, at a time when there was the greatest hopes of Success against the Common Enemy, and the fairest prospect of enlarging the Bounds of the Christian Empire, that ever was in any Age since the declining of the Roman: And so far from the hopes of a general Peace before our Restoration, that no rational Project of a Treaty can be form'd in order to it: But that once done, the thing will be easy, and we shall be ready to offer our Mediation, and interpose all the good Offices we can with his most Christian Majesty for the obtaining of it.

OBSERVATIONS.

The French
King the
Author of
all the pre-
sent Wars
in Europe.

This whole Period is a sharp and perpetual Satyr against the *French* King: For who has been the great Disturber of the Peace of Europe but his most Christian Majesty? With whom are all the Princes of Europe at War but with him? Who else has hinder'd the Success against the Common Enemy, and the enlarging the Bounds of the Christian Empire? Who invited the Turk into Europe? Who encourages him to continue the War after so many fatal Defeats, which may probably prove the ruin of his whole Empire? In a word, what other Christian Prince is the Great Turk's Ally and Confederate in this War? And is not this War continu'd and encourag'd by all the Power and Interest of the *French* King, on purpose to disturb the Peace of Europe, that while the Imperial Forces are otherwise employ'd, he may make a Prey of his weaker Neighbours? It is decent to spare crowned Heads, and such as have been crown'd; but the Penman of this Declaration deserves his Reward for putting in so many notorious Falshoods, as may justly call the Truth and Sincerity of the whole in question. I know but one Excuse for him, that he has made it almost all of a Piece; and tho he has had little regard to Truth, yet he has so order'd the matter, that he can deceive no body but those who have a great mind to be deceiv'd, and it is not amiss that such should be gratify'd.

Who

Who but the late King could hope to persuade the World, that to restore him ^{K. J. his} to his Kingdoms is absolutely necessary to the Peace of Europe; that before his Resto- ^{Restoration} ration, no rational Projects of a Treaty can be form'd in order to a Peace? He may be ^{not necessa-} mistaken in this, for the French King may quickly be glad to make Peace, and leave ^{ry to the} him and his Restoration out of the Treaty: For things are come to that Extremity ^{Peace of} now, that it is in vain to think of Peace, till Lewis the Great be reduc'd to such a state as to accept it, and unable to break it: And then this Argument returns upon him; for the Peace of Europe is a necessary Reason why he should not be restor'd, as I observ'd in my former Letter.

But he who could fancy himself to be a proper and effectual Mediator for a Peace if he were restor'd, must have liberty to fancy any thing; and it is happy for him that he has so comfortable an Imagination: I do really pity him too much to endeavour to dispossess him of it, because that would be to undo him more than he is already undone.

DECLARATION.

Since therefore we come with so good Purposes, and so good a Cause, the Justice of which is founded upon the Laws both of God and Man; since the Peace of Europe, as well as of our own Kingdoms, the Prosperity of present and future Ages is concern'd in the Success of it, We hope we shall meet with little opposition, but that all our loving Subjects, according to the Duty and the Oath of their Allegiance, and as we hereby command and require them to do, will join with Us, and assist us to the utmost of their Power.

OBSERVATIONS.

I can say little to this, the Event will best shew, whether the People of England will think his Cause so good, and the Reasons for his Restoration so pressing, as to assist him in it.

DECLARATION.

And we do hereby strictly forewarn and prohibit any of our Subjects whatsoever, either by collecting or paying any of the illegal Taxes lately impos'd upon the Nation, or any part of our Revenue, or by any other ways, to abet or support the present Usurpation. And that we may do all that can be thought of to win over all our Subjects to our Service, that so, if it be possible, we may have none but the Usurper and his Foreign Troops to deal with; and that none may be forc'd to continue in their Rebellion by despair of our Mercy for what they have already done, We do hereby declare and promise, by the Word of a King, That all Persons whatsoever, how guilty soever they have been (except the Persons following, viz. The Duke of Ormond, Marquess of Winchester, Earl of Sunderland, Earl of Bath, ^{Persons ex-} Earl of Danby, Earl of Nottingham, Lord Newport, Bishop of London, Bishop of ^{cepted out} St. Asaph, Lord Delamere, Lord Wiltshire, Lord Colchester, Lord Cornbury, Lord ^{of K. J.} Dunblane, John Lord Churchill, Sir Robert Howard, Sir John Worden, Sir Samuel ^{his Pardon.} Grimstone, Sir Stephen Fox, Sir George Treby, Sir Basil Dixwel, Sir James Oxendon, Dr. Tillotson Dean of Canterbury, Dr. Gilbert Burnet, Francis Russel, Richard Levison, John Trenchard, Esquires; Charles Duncomb Citizen of London, Edwards, Napleton, Hunt Fisherman, and all others who offer'd personal Indignities to us at Feversham; except also all Persons who as Judges or Jurymen, or otherwise had a hand in the barbarous Murder of Mr. John Ashton and of Mr. Cross, or of any others who have been illegally condemn'd and executed for their Loyalty to us; and all Spies, and such as have betray'd our Counsels during our late absence from England) that by an early return to their Duties, and by any signal Mark of it, as by seizing to our Use, and delivering into our hands any of our Forts, or by bringing over to us any Ships of War, or Troops in the Usurper's Army, or any new rais'd and armed by themselves, or by any other eminent good Service, according to their several Opportunities and Capacities, shall manifest the sincerity of their Repentance, shall not only have their respective Pardons immediately pass'd under the Great Seal of England, but shall otherwise be consider'd and rewarded by us, as the Merit of their Case shall require. And for all others who after the time of our landing shall not appear in Arms against us, nor do any Act or Thing in opposition to our Restoration, the Persons before-mention'd only excepted, we shall provide in our first Parliament (which we intend to call with all convenient speed) by a general Act of Indemnity, that so the Minds of all our Subjects may be as quiet,

and

and as much at ease, as their Persons and Properties will be secure and inviolable under our Government.

Provided always, That all Magistrates who expect any benefit of our gracious Pardon, shall immediately after notice of our landing, make some publick Manifestation of their Allegiance to us, and of their submission to our Authority; and also publish and cause to be proclaim'd this our Declaration as soon as it shall come to their hands: And likewise that all Keepers of Prisons immediately set at liberty all Persons committed to their Custody upon the account of their Allegiance and Affection to us, or be excluded from any benefit of our Pardon.

And we do hereby further declare, That all Officers or Soldiers by Sea or Land, now engag'd in the Usurper's Service, who shall after notice of our landing, at any time before they engage in any Fight or Battel against our Forces, quit the said illegal Service, and return to their Duty, shall not only have their respective Pardons, but shall likewise be fully satisfy'd and paid all the Arrears due to them from the Usurper. And that even the Foreigners themselves, who have been as well in Troops as single Persons drawn into this Kingdom, in order to list them as there should be occasion for the opposing our Return, and continuing our People in the Oppression they lie under, may not be altogether driven to despair, We do promise, that all such of them as shall, as aforesaid, before they engage against any of our Forces, lay down their Arms, and claim the Benefit of our present Declaration, shall have their Arrears satisfy'd, and care shall be taken for their Transportation to their respective Countries, or elsewhere as they shall reasonably desire.

OBSERVATIONS.

K. J. his
Grace and
Favour
consider'd.

Let us now consider the Grace and Favour promis'd in this Declaration. For Grace and Pardon, &c. are very good things when we read them, but yet no Man would chuse to need them if he could help it. If the late King's Restoration was desirable upon other Accounts, and nothing hindred Subjects from returning to their Duty and Allegiance, but fear of Punishment for what is past, the Promise of Pardon would be a very good Argument to encourage Subjects to assist him in his Return; but merely that we shall be pardon'd is no Argument to bring him back, because we shall need no Pardon if we don't; and that is always the surest side to need no Pardon, much surer than any promise of Pardon the late King can make.

And yet he has us'd that great Caution in his promise of Pardon, as if he were afraid we should expect more than he intends to give, and should charge him with a new breach of Promise when we come to Tower-hill or Tyburn.

We see whom he has excepted, but 'tis not easy to know who is pardon'd; the truth is, he has put all the Subjects of England under a necessity of forfeiting their Pardon when he recovers his Throne, or of being hang'd or mobb'd, at least of venturing both, before he can be in a condition to pardon. All are excepted from this Pardon, who shall either appear in Arms against him, or do any Act or Thing in opposition to his Restoration Now: to collect or pay any of the illegal Taxes, or any part of the Revenue of the Crown, are expressly forbid, as abetting or supporting the present Usurpation; and therefore to pay Taxes is one of the Acts or Things which excludes from Pardon, and this excepts the whole Nation at once. And for the comfort of the Clergy, to pray for King William and Queen Mary, and for the Success of their Arms, especially after the late King is landed, will certainly be doing an Act or Thing in opposition to his Restoration. And all Magistrates are in a very hopeful condition, who are excluded from Pardon, unless they shall immediately after notice of his landing, make some publick Manifestation of their Allegiance to him, and of their submission to his Authority, and cause his Declaration to be proclaim'd as soon as it shall come to their hands.

This is a very Gracious Pardon, which Men must purchase at the price of their Necks; and yet how far this Pardon will extend we know not, it may be only to Life, for here is no mention of Fortunes or Honours: and yet it is but a mere Pardon; here is not one kind word given to the Protestant Nobility, Gentry, or Clergy; no Promise to employ them in his Councils, or any Civil or Military Trusts; and when we know how he has hitherto kept his Promises, we have little reason to expect that he will now do more than he has promis'd.

But besides the Exceptions from Pardon in general words, which upon one account or other do involve the whole Nation, there are some things very remarkable as to the Persons by Name excepted. Most of them I believe are not sorry for it, because they know their Case would have been the same, had they not been excepted;

excepted; and possibly others may hope their Case may be the better for being excepted. But why Sir St. F. and Sir S. Gr? They are both of them very worthy and honest Gentlemen, and I dare almost be their Compurgator, as to having had any hand in Revolutions. But I must confess both of them have Estates very worthy to be excepted. And some such Reason probably there may be for excepting Sir J. O. and Sir B. D. of Kent, for it cannot but come into every body's Mind, how conveniently their Estates lie to make a Compensation to Sir E. H. for his great Merits and Sufferings. But why descend so low as to except poor Hunt the Fisherman? This I take to be a true stroke of Secretary Melfort's Popish Bigotry, and put in on purpose to let us know that effectual Care will be taken, that the late King whenever he returns, shall have so exact a Memory, that the Merits of the meanest Man in England shall not be forgotten. You see what the Pardon is, and those who like it may merit it if they please.

Sir Edw.
Hales to be
recom-
pens'd out
of the
neighbour-
ing forfei-
ted Estates.

DECLARATION.

And we do hereby further declare and promise, That we will protect and maintain the Church of England, as it is now by Law establish'd, in all their Rights, Privileges, and Possessions: And that upon all Vacancies of Bishopricks, and other Dignities and Benefices within our disposal, care shall be taken to have them fill'd with the most worthy of their own Communion.

OBSERVATIONS.

Here he promises to protect and defend the Church of England; which will be a great Favour indeed from him if he should return with a French Power. But the Church of England is protected already by Princes who think it their Duty to do it: And we think our selves much safer in the Inclinations of a Protestant King and Queen, than we can be in all the Promises of a zealous Papist. And therefore this can be no Argument in our Case, because it offers us a worse Security for our Protection than what we already have; for it is always great odds on Nature's side. And yet this Promise to the Church of England seems fainter and cooler than some he has formerly made, which is all the reason we have to expect it will be better kept, especially there being not the least intimation of the breach of his former Promises, nor any excuse made for it. And it is fit to be observ'd, that whereas he promises, that upon all Vacancies of Bishopricks, and other Dignities and Benefices within our disposal, care shall be taken to have them fill'd with the most worthy of their own Communion; there is not one word said of Universities and Colleges, tho the Case of Magdalen College is so very notorious, and so fresh in every man's Memory, that there is hardly a Yeoman or Artificer in the Nation, that has not a lively remembrance of it. Church of England-men then shall at present have the Churches, and Papists the Colleges to breed up a Roman Catholick Succession of honest Obadiab's.

K.J's Pro-
mises to
protect the
Ch. of Eng-
consider'd.

DECLARATION.

And whereas more Tumults and Rebellions have been rais'd in all Nations upon the account of Religion, than upon all other Pretences put together, and more in England than in all the rest of the World besides; That therefore Men of all Opinions in Matters of Religion may be reconcil'd to the Government, that they may no longer look upon it as their Enemy, but may therefore think themselves equally concern'd in the preservation of it, with the rest of their Fellow-subjects, because they are equally well treated by it; and being convinc'd in our Judgment, that Liberty of Conscience is most agreeable to the Laws, and the Spirit of the Christian Religion, and most conducing to the Wealth and Prosperity of our Kingdoms, by encouraging Men of all Countries and Persuasions to come and trade with us, and settle amongst us: For these Reasons we are resolv'd most earnestly to recommend to our Parliament the settling Liberty of Conscience in so beneficial a manner, that it may remain a lasting Blessing to this Kingdom.

OBSERVATIONS.

In this Paragraph, for the Peace of the Nation, and for the Advancement of Trade, he promises earnestly to recommend to the Parliament the settling Liberty of Conscience.

Liberty of
Conscience
promis'd.

science. But this is no Argument to the Dissenters to help forward another Revolution, because they have it already in as full and ample a manner as it can be given them. All that he can add to this, is Liberty of Conscience for Papists, and the Repeal of the Test, which cost him so much closetting to no purpose, and now is promis'd as a Favour: What Protestant Dissenters will think of it I leave them to consider.

But when he says, *We are convinc'd in our Judgment, that Liberty of Conscience is most agreeable to the Laws, and to the Spirit of the Christian Religion*; me-thinks these two Kings treat one another with great freedom: For what handsomer Complement could have been made to the *most Christian King*, than to intimate that his Persecution of his Protestant Subjects is not at all agreeable to the Laws, or to the Spirit of the Christian Religion? This is plain dealing if the *French King* can bear it: But, I suppose they are agreed, that K. J. shall declare as is most fit for his purpose, and the *French King* do what is most convenient for his own.

DECLARATION.

Lastly, It shall be our great Care, by the Advice and Assistance of our Parliament, to repair the Breaches and heal the Wounds of the late Distractions; to restore Trade by putting the Act of Navigation in effectual execution, which has been so much violated of late in favour of Strangers; to put our Navy and Stores into as good a Condition as we left them; to find the best ways of bringing back Wealth and Bullion to the Kingdom, which of late has been so much exhausted: And generally we shall delight to spend the remainder of our Reign (as we have always design'd since our coming to the Crown) in studying to do every thing that may contribute to the Re-establishment of the Greatness of the English Monarchy upon its old and true Foundation, the united Interest and Affection of the People.

OBSERVATIONS.

Trade to be
restor'd by
K. James,
and how.

What these *Breaches and Wounds of the late Distractions* are, he does not tell us, and therefore we must suppose they are such as are here-mention'd. As for *restoring Trade*, it has not been lost yet; the *Custom-house* does not complain of it, which is commonly the first that feels it. The Navy is in a much better condition than he left it, if we may guess at that by its late Exploits: But if he be so well skill'd in *restoring Navies*, he ought both in Charity and Gratitude now to stay a little longer in *France*. As for his *bringing back Wealth and Bullion into the Nation*, I believe the Nation would have been better pleas'd, if he would have promis'd to send none out. And as for his concluding Promise in these words, *And generally we shall delight to spend the remainder of our Reign (as we have always design'd since our coming to the Crown) in studying to do every thing that may contribute to the Re-establishment of the Greatness of the English Monarchy upon its old and true Foundations, the united Interest and Affection of the People*; this is Plain-dealing, and surest to be made good of any thing in the Declaration. And if he does this now, as he always design'd to do it (for he could not then do all that he design'd to do) here is a renewed Promise of Popery and Arbitrary Power: And those are unpardonable Infidels who will not take his Word for it.

DECLARATION.

Thus having endeavour'd to answer all Objections, and give all the Satisfaction we can think of to all Parties and Degrees of Men: We cannot want our selves the Satisfaction of having done all that can be done on our part, whatever the Event shall be; the disposal of which we commit with great Resignation and Dependance to that God who judges right. And on the other side, if any of our Subjects after all this, shall remain so obstinate as to appear in Arms against us, as they must needs fall unpitied under the Severity of our Justice, after having refus'd such gracious Offers of Mercy, so they must be answerable to Almighty God for all the Blood that shall be spilt, and all the Miseries and Confusions in which these Kingdoms may happen to be involv'd by their desperate and unreasonable Opposition.

Given at our Court at St. Germain's this present 20th of April 1692. in the Eighth Year of our Reign.

Per ipsum Regem manu propria,

OBSER-

OBSERVATIONS.

Thus the *Declaration* ends, and it is time for me to end too. After these *Observations* you will be able to comprehend both the wise Design of this *Declaration*, and how likely it is to have its effect; provided it can but gain these two easy Points. First, To persuade King *William* to quit the Crown for fear of losing it; and then prevail with the People to believe, that two other Kings whom I will not name, will for this once put off their Natures, and out of a particular Respect and Kindness to the *English* Church and Nation, quit all thoughts of introducing Popery and Arbitrary Power here in *England*.

Once more, Sir, Farewel.

The Pretences of the French Invasion
examin'd, for the Information of the
People of England.

Printed in
May 1692.

THAT the Sword hath thus long been kept from destroying among us, is a Blessing which we cannot sufficiently understand, unless we consider the woful Desolation it hath made in our neighbouring Nations: Nor are they at all sensible how much they owe to God and their Majesties for keeping us in Peace, who give the least Encouragement to this intended Descent, which must turn our Land into an *Aceldama*, and will make such woful Havock of our Lives and Fortunes, while one party fights for Safety and the other for Revenge, that no Age can parallel the horrid Consequences of such a Civil War as this will prove. And if *Papists* only (blinded by Zeal for their Religion, and blown up with hopes of absolute Empire) encouraged this bloody design, it would be no Wonder, and could have no Success, considering the general Aversion of the People to them, and the fresh Instances of their Insolence and Cruelty.

The Mis-
chiefs of
such an In-
vasion.

But alas! It appears that many who call themselves *Protestants*, are engaged in this fatal Conspiracy against their Religion and their Native Country; which is so prodigious and amazing, that a Man would wonder who hath bewitched these foolish *Galatians* to push on their own and the Churches Ruin: And every one must be inquisitive into the specious Pretences by which these Men are induced to become their own Executioners.

Now the pretended Motives are these:

First, Repairing the Injury done to the late King.

Secondly, Delivering us from the Oppressions we suffer under the present King.

Thirdly, Settling the Government upon its old Basis.

Fourthly, Securing the Protestant Religion for all future Ages.

Now it becomes every true English Protestant to examine these Pretences very well, before he venture on a thing of so evil Appearance and dangerous Consequence, as is the joining with these Invaders.

First, It is pretended, the late King was unjustly deprived of his Birth-right by his Subjects, who by Nature and Oaths were bound to defend him in the Possession of it: And now that he comes to demand his own, all that ever were his Subjects must either assist, or at least not oppose him.

First Pre-
tence, of
Wrong done
to K. J.
consider'd.

K. J. the
Author of
his own
Ruin.

But let it be consider'd, that all the late King's Sufferings were owing to, and caus'd by the Counsels of his Popish Priests, and the Bigots of that Persuasion: Protestants were not the Aggressors, he might have kept his Possession to this day undisturb'd, if he had not made such open and bold Attempts upon our Laws, our Religion and Properties; so that he was the first and only Cause of his own Sufferings: and why should Millions be involv'd in Blood and Ruin, who are perfectly innocent of doing this Injury? No free Nation did ever bear more or greater Injuries, or endure such Violences so long, or so patiently as we did: And when some stop was to be put to the final Ruin of our Liberties and Religion, it was done at first by Petitions and Complaints; and when they were despis'd, none but defensive Arms were taken up by some few, and by a Foreign Prince, only to cover their Heads while the Grievances were fairly redress'd; not to take away his Rights, but to secure our own. Nor did the Prince of *Orange*, or these Gentlemen, devert or deprive him of his Throne, but own'd his Right by offering a Treaty; during the continuance of which he disbanded his Army, dissolv'd his Government, and as much as in him lay attempted to desert the Throne, and seek Aids from an Enemy's Country; which might secure him against redressing any Grievances, and enable him to be reveng'd upon the injured Complainers. We did not make the Throne vacant, but the late Archbishop and other Peers at *Guildhall*, believ'd he had left it void, or else they would not without his Consent have seiz'd on the Administration of the Government, secur'd his Chancellor, taken possession of the *Tower*, and offer'd the exercise of the Supreme Power to the Prince of *Orange*. He left us in Anarchy, and we provided for our selves in the best manner such a Juncture would allow. I will not enquire now, whether these Subjects, who are so zealous for his Return, were not bound to do more than they did to keep him in his Throne while he had it; their Conscience then permitted them to look on and let him sink, while his Security had been far more easily compass'd: But they who have now these unseasonable Pangs of their old Loyalty, must consider, that a Man may leave his Right when he pleaseth, but may not take it again at his Pleasure, especially not by Force, and this most especially as to Sovereign Power: Some body must govern when he would not; the next undoubted Heir in an Hereditary Monarchy must; and whoever doth govern in chief in this Nation must be King by our Constitution, and must have Power sufficient to protect himself and the Nation against all their Enemies, and that cannot be without swearing new Allegiance. Now when a King and Queen are declar'd, submitted to, and own'd by Oaths, and all other Methods requir'd in such Cases; the King is not at liberty to give up his own Power, and the Protection of us; nor are the People free to join with him that deserted them, or to venture their Necks or their Countries Ruin to restore him. I dare say, that the *French* King will not grant that the Citizens of those Cities who were subject to *Spain* or the Emperor, and bound by Oath to those Princes (but have now submitted to him, and sworn new Allegiance) are oblig'd to venture their Lives and Fortunes, by virtue of their old Oaths, to restore those Cities to their former Masters; doubtless he would solve their Scruples with a Halter if he found they attempted it. Besides, the Injuries (as they are call'd) done to the late King by his own Acts, if they were capable of Reparation, must not be repair'd with the injuring, yea ruining many thousand innocent Persons, who must unavoidably lose their Lives, and be undone in their Estates by his returning by Force. The present King and his Army are bound by Oaths, Duty and Interest, to oppose him; so are all now protected by him, and who have sworn Allegiance to him; and 'tis certain all that are not perjur'd Hypocrites will do so: And then what *Englishman's* Bowels must not bleed, to consider what Murders, Burning, Plundering and Destruction he brings upon his native Country, who encourages the Aggressors? If he have any kindness for us whom he calls his Subjects, he would rather sit quietly under his single Injuries than wish, or however attempt to be restor'd by Blood and a universal Ruin: And if he have no pity for us, why should we be so concern'd for him as to sacrifice our Lives and Fortunes to his Revenge? He went away while a Treaty was on foot, and nothing but a Treaty can restore him fairly, which he never yet offer'd: We did not force him to go away in disguise; and if he will force himself upon us again by *French* Dragoons, and *Irish* Cut-throats, we may and must oppose him; for our Allegiance is now transferred to another. Finally, there is no Injury to any but himself, and those who run into voluntary Exile with him by his being out of the possession; the Monarchy, the Law, the Church and Property are all in better Estate than in his time; and all these with innumerable private

private Persons must be irreparably injur'd by his Return in an hostile manner. So that there can be no reason to redress the sufferings he owes to his own Faults, by so many publick and private Injurys. If it be pleaded that he who was born to a Kingdom really wants Subsistence, I reply, that if he would seek the Peace of *Christendom*, and of his late Subjects, he might by a fair Treaty set on foot, not only restore the Exiles, but have a sufficient and honourable Maintenance from this Government; but while the War he makes upon it, puts us to so great Expence, he cannot expect it, nor imagine we should give him a Supply to enable him to ruin us.

The *Second* Pretence why we should assist towards his Restoration, is to deliver our Selves from the Oppression we suffer under the present King: And to set off this with a better Gloss, the late Reign is magnify'd by the Jesuits and their Tools, and this blacken'd; Freedom from Taxes then is made a rare Instance of his Gentleness, and the present Impositions heighten'd with all the Rhetorick imaginable, to represent this King as an Oppressor. The flourishing of Trade then is extol'd, the Decay of it now odiously insinuated, and great Hopes are given of Golden Days, upon the Return of *James* the Just; he is to make us all happy.

Now to answer this, there is no need to make a Satyr on that Reign, or a Panegyrick on this; that is so well remembred, and this so fully known, that all unprejudic'd People see on which side the Truth lies. But 'tis great pity they who have the Wit to invent or urge this Plea, have not a Memory to remind them, that none complain'd more of the Danger of Law and Religion, of our Lives and Fortunes in that Reign, than many who have this high Opinion of it now; the cruel Severities in the *West*, the High Commission, turning out of Office all good Protestants, attempting to reverse all the Penal Laws, putting unqualify'd Men into all Places of Trust, Profit and Power, excluding the Fellows of *Magdalen* College, and putting in Papists, with the Imprisonment and Trial of the Bishops, were thought Oppressions then; but now all these are bury'd in Oblivion, and those Taxes which the late King and his Ally of *France* with their Abettors alone make necessary to this frugal Prince, these are our only Grievance, and this King's unpardonable Crime. The late King had one Tax, and might, yea would have had more for the glorious Design of enslaving his Subjects, if he could have got a Parliament to his Purpose, which he vigorously endeavour'd; and it was because he was sure he must satisfy his People in their just Complaints, when ever he ask'd a Supply, that he durst not ask it of a freely chosen Parliament: yet then we were in Peace with all Nations, and now he hath intangl'd us in a War with the worst Enemy in *Europe*. Assessments then were not needed but to hasten our Ruin; now they are absolutely necessary to our Safety, and made so by him and his complaining Friends. Yet still what Grievances are these Taxes, in comparison of what is laid on the *French* Slaves, into whose Condition we were intended to be brought? There is a vast difference between losing our Property for ever, and paying some part of our Profits to secure the rest, and our Inheritances to our Posterity as well as our selves.

Besides, should we not leap out of the Frying-pan into the Fire, if to avoid tolerable Payments, we should rashly bring a fatal War to our Doors, that must last till more than one half of the Nation be destroy'd, and the rest utterly and almost irrecoverably impoverish'd? This I am sure is voluntarily to change our Whips for Scorpions. We have paid as much formerly for assisting *France* to ruin *Europe*, and maintain Vice at Home, as now serves to deliver *Europe*, and secure our native Country and Religion from utter Destruction: Nor are the Sums considerable (reckoning the Abatement of Chimney-Mony) which we have paid to this Government; no Country in *Europe* hath paid so little in proportion to our Wealth, these last three Years of War: and if the late King return, *England* must pay all the Sums borrow'd of *France* to maintain him abroad, to keep *Ireland*, and to discharge the Forces that come to thrust him on us, and must stay to compleat the happy Design of setting up Popery and Slavery, the natural Consequences of his Restoration; and 'tis well if Arrears of Chimney-Mony, and other publick Monies be not call'd for to carry on so glorious a Work. So that if *England* rebel against the present King to avoid the Burdens now upon them, they expose themselves to ten times greater Taxes for many Years, and it can end in nothing but the utter impoverishing of the whole Nation, especially the Protestant part of it, who by their Poverty will become a more easy Prey. As for Trade, the Decay of it began in the late King's time, and it is the War which he and *France* have engag'd us in, that

Second pretence to deliver us from Oppression consider'd.

The Nation happier now than if under King J.

King J. no
Friend to
the Prospe-
rity and
Trade of
the Nation.

still keeps it at a low Ebb ; so that for the late King's Friends to expose the present Government for this, is like a Conjuror's complaining of the Storms he raises. That ingenious History of Bishop King, of the State of the Protestants in *Ireland* under King James, makes it out, that the late King fear'd and hated the Increase of Trade, which made him use all Means to hinder it ; and all the World sees, that no absolute Monarch (as he affects to be) likes that his Subjects should grow rich by Trade. But our present King so soon as he can have Peace, will make it his first Care to promote Trade here, as he did in the Country he came from ; and even in the difficult times he had, Trade has been a great part of his and his Parliaments Care. Finally, if Men can remember the times so lately past, when Law and Right was only the King's Pleasure, dictated by Mercenary Judges, when no Party but the Papists flourish'd, when a general Consternation had stopt all Business, they cannot hope to be happy by his Return, who caus'd all these Miseries : And they must expect, now he has more perfectly learn'd the *French* Methods (of making a King the greatest of Monarchs, by making his Subjects the vilest of Slaves) that he will practise it with greater Industry and Application than ever, to put it eternally out of his Subjects Power, to protect themselves again : For oppressing his People, which was but expedient before, will now be thought absolutely necessary. So that nothing can be more improbable, not to say impossible, than for *England* to be happy under him, that attempted to make her miserable without any Provocation, and must return with the same Principles and Designs, the same Counsellors and Interests he had before, and with all the Addition that Revenge, Hatred and Fear can make to an angry and implacable Mind. But it may be said, his Dear-bought Experience of the ill Success of these Methods, will make him rule more moderately, if he be restor'd : To which I reply, *Cælum, non Animum mutat*. The fore-cited Book of Bishop King demonstrates, that after he had lost *England* and *Scotland*, and a great part of *Ireland*, upon his Return thither from *France*, he was more arbitrary and hard to his Protestant obedient Subjects, than ever he had been before, even tho it was against his visible Interest, and tended to disgust all the Protestants who would have serv'd him there. His declaring himself Papist at first here, and all his Actions since shew that he prefers his Will, and an obstinate pursuing his own Methods, far above his true Interest ; whence it follows, that we vainly expect from one of his Temper, that either his past Experience, or his future Interest should teach him Moderation, any longer than till he hath Power to oppress us : And if he should by a thousand Promises or Oaths engage to rule by Law, his frequent breach of both hath given us no reason to trust him ; and the Religion he professes can so easily dispense with both, that neither of them give us any Security from that sort of Obligations. The Interests of Popery and *France* require he should be absolute, and his Nature spurs him on to it, and nothing but Fear can for a moment restrain him from being so. What a Shadow of a Dream then must this be, of Protestant Subjects being happy under a bigotted Popish Prince of such a Temper ?

Third Pre-
tence, to
prevent a
Common-
wealth, ex-
amin'd.

Thirdly, Whereas 'tis said we have chang'd our old Hereditary Monarchy into one merely elective, and by degrees shall bring it to a Commonwealth ; nor can any thing prevent this (which will be of fatal consequence to the Church) but our restoring the late King : I answer, the Position is false, and the Consequence a mere Sham ; the Government of *England* always was, and ever must be Monarchical ; that twelve Years when it was endeavour'd to make it otherwise, convinc'd all Men, that all Projects to the contrary must come to nothing. As for this Revolution, 'tis not likely a Parliament which made an Entail of the Crown in a lineal Succession, should be for setting up a Commonwealth or altering the Hereditary Monarchy. If it be alledg'd, there was a great Breach as to the Person of the reigning King, 'tis reply'd, he himself made it, and they did not make but find the Throne void.

K. J. made
the breach
in the Suc-
cession.

No Com-
monwealth
design'd.

And there have been greater Breaches since the Conquest as to the true lineal Succession, and laying aside, yea deposing the reigning King, and setting up his Son, or a remoter Person, which indeed was an Injury to the Kings so depos'd ; but still the Monarchy was call'd and continu'd to be Hereditary. In our Case the King deserted us, yea, left us without any Government ; but we apply'd to his next certain Heir, with whom at her Request, and for our Safety and hers, by general Consent, a Title was given to her Husband and our Deliverer, but this only for Life, tho he be much nearer in Blood, by the Right of Succession, than either *Henry* the Fourth, or *Henry* the Seventh, successively made Kings of *England*. And the saving the Succession to the Princess of *Denmark* and her Heirs, shews how far that Parliament was

was from designing any such thing as a Commonwealth. We see *Philip of Spain*, who had no Title to be King of *England* but by his Marriage with *Queen Mary*, was made King at her Request and in her Right; but he had not merited so much as our King, and therefore his Title was to cease at her Death. As for the Prince of *Wales*, there are so clear Indications of his Birth being an Imposture, and the Design of forming that Project is so known to be Revenge on the Princesses for adhering to their Religion, and to get more time to force Popery and Slavery upon us; yea his Health and Strength make it so unlikely he should proceed from such crazy Parents, that till the Parties concern'd prove the Affirmative by better Witnesses and clearer Evidence, and the People of *England* in Parliament own him for the Heir, we need not go about the unreasonable Task of proving the Negative: Wherefore since the breach in the Succession was the late King's own Act, and only concerns his Person and a suppos'd unknown Heir, we are not to answer for that; and considering the hurry his unexpected Desertion put all things in, and the absolute necessity of a speedy Settlement, the Friends of the old *English* Monarchy have just cause to rejoice it was made so near the old Foundation, with a small and only temporary Variation from it, which was also absolutely necessary in that Juncture of Affairs: And 'tis evident that there are many of the best Quality and Interest who hate the notion of a Commonwealth in *England*, and love Monarchy as well as any of the late King's Abettors, who freely consented, and firmly adhere to this Establishment. If it be objected that King *William* was bred up in a Commonwealth, and inclines to that Form of Government; 'tis answer'd, he doth and may like it in *Holland*, but they must shew some Instances that his Zeal for a Commonwealth is as hot and as blind, as King *James's* for Popery, before they can prove him so desperate a Fo to his own Interest, as to uncrown himself, and make himself the Peoples Vassal, when he is and may be their gracious Lord. If it be urg'd, that it is a dangerous Precedent for future Kings, to allow the People a Liberty to take away their Prince's Right, and set up another, on pretence of Misgovernment: The Reply is, the late King was the occasion of this Precedent, by first attempting to alter the whole frame of our Laws, Government and Religion, and then deserting us. And if it be an ill Precedent for the safety of Princes, that the Advantage was taken, it was however necessary to take it for the Safety of the People, for whose good Heaven made Kings. Sure I am, there are as dreadful Consequences of arbitrary Tyranny, as there are of Rebellion, witness the Misery and Slavery of the poor *French* at this day; and it seems as necessary there should be some Precedents to deter Princes from abusing their Power, as well as to restrain the People from abusing their Liberty: For both Tyranny and Rebellion are great Sins, and of most mischievous Consequence. Wherefore this unexpected Example may make our Kings more just and more apt to rule by Law, but it can never hurt the Monarchy it self, or countenance a Rebellion, while a King is in the Throne that will stay to hear and redress his Peoples Grievances, which will never be denied by the present, or any other good King.

Pretended
P. of Wal.
his Title
expos'd.

K. W. not
fond of a
Common-
wealth in
England.

The last Pretence is the most surprizing of all, That there is no way to preserve the Church of *England*, no nor the Protestant Religion, but by restoring the late King, who it's said in his Declaration promises this as liberally as he did it at his first Accession to the Throne.

If Mankind were not the oddest part of the Creation, one would wonder how 'tis possible for Protestants to believe, that the Wolves design good to the Sheep: When the late King was here, he involved himself in infinite Mischiefs, and did the most odious things in the World to destroy the Protestant Religion, and especially to ruin the Church of *England*; And hath he given any Evidence of changing his Temper, his Principles, his Zeal, or his Methods? He shew'd in *Ireland* a greater spite to Protestants than ever; he hath liv'd in *France* ever since, where he hath seen how much it tends to advance his dear absolute Power, to dragoon all Men into the King's Religion; his only Motives to draw in this Frenchify'd Pope to lend him Mony to invade us, is by convincing him, he lost all by his Zeal to restore Popery, and by engaging he will use his Power (if he can regain it) only to promote the Catholick Interest. His other Ally the *French* Persecutor, cannot be endear'd by any better Interest, till the Principal of the Sums lent are repaid by poor *England*, than by Assurance that he will make one Kingdom in the World as miserable by absolute Empire, and forcing one Religion, as *France* now is; that his Barbarity, Cruelty and Treachery may not be the infamous single Instance of such Proceedings:

Last Pre-
tence, to
preserve the
Church of
England,
examin'd.

his

Roman Catholics
easy in England.

his Promises to his Allies, his Zeal, his Principles, and his Nature, all engage him to destroy the Protestant Religion. He attempted it when he was not half so deeply oblig'd, and can we think he will not pursue it now? 'Tis next to frenzy to think the Pope and King of *France* furnish him with Mony, Ships, Forces, &c. only to secure the Protestant Religion and Church of *England*; he must be tied in more than ordinary Bonds, to endeavour the Ruin of both, or no such Favours had been shewn by such a Pope, and such a Persecutor. It cannot be Ease to *Roman Catholics* he desires; they are more at ease under King *William*, than under any Protestant King ever since the Reformation: It must therefore be the suppressing all other Religions, and setting up that alone, must engage *Rome*, *France* and *Lucifer* in his Restoration. As for his Promises to us in his Declaration, alas he hath already given greater and stronger to the Pope and French King to the contrary; and tho his Interest, and the Hopes that some will be so mad as to believe him, put him upon renewing these Promises to *England*, yet his Confessor can soon resolve him which Promise is to be kept, whether that pious Catholick Promise to the Holy Father, and the Hector of that Cause, or that extorted one to Hereticks: Besides, we should remember the *Italian Proverb*, *God forgive him who deceives me once, but God forgive me if one Man deceives me twice.*

No relying
on K. J's
Promises.

K. J. de-
clar'd his
abhorrence
of the
Church of
England.

No Prince in the World ever promis'd with more Solemnity than the late King to protect the Protestant Religion, or the Church of *England*: yet nothing is more clear, than that he design'd to gull us only, not to oblige himself by this Protestation; and the first thing he did was to break it so soon as he durst, and can we be so distracted to believe him again? He declar'd in *Ireland*, that the Church of *England* stank in his Nose, and that he abhor'd it. He cannot truly love either any Person of that Persuasion, or any other Protestant; he may flatter some of them to get into the Saddle, but when they have mounted him he will ride over their Heads; his own Friends of the Protestant Religion are very few, and his Revenge on the far greater number who have oppos'd his Designs, will out-weigh the Kindness of a few inconsiderable Hereticks who abetted his Interest, and who will be told, that it was not sense of Duty, but despair of obliging his Enemies that forc'd them into his Quarrel. They had sufficient Experience after *Monmouth's* Rebellion (suppress'd only by the Church of *England* men) how little any Acts of those he counts Hereticks can oblige him; his Carriage in *Ireland* to the loyal Protestants, writ this in Capital Letters, and it must be suppos'd they have drank deep of *Lethe* who can forget all this. But I pray what is it the Church of *England* wants, or any other Protestant? This King is as serious and sincere a Protestant, and as true a Lover of that Interest, as King *James* is a profess'd Enemy to it; and why may not he be more likely to preserve the Religion he professes, than the other to maintain that Religion which he vilely deserted, and mortally hates?

K. W. not
too kind to
Dissenters.

The Churchmen say, King *William* is too kind to Dissenters, but hath he given them any other or more liberty than King *James* did? That King begun with Toleration, and it was not for a new Prince in a troublous state of things to alter any thing of that Nature: Besides, at the same time the Dissenters do think the present King too kind to the establish'd Church, not considering that 'tis the National Religion which he found, and keeps in possession of all its Rights, as his Duty and Oath oblige him, yet so as the Dissenters have Ease, and every thing but Empire, which from a prudent King of *England* they can never expect, being not only a less part of the Nation, but so divided among themselves, that nothing can please all Parties of them; and therefore freedom to worship in their several ways, is all the favour they can be capable of in the best times, and so they are most unreasonable to hope for more now.

K. W. the
Head of all
Protestants
in Europe.

Besides, let it be consider'd, that our King is not only the Head and Protector of the Protestants of *England*, but of all the Reform'd Churches in *Europe*: And the French King (the main Wheel in this design'd Restroation) is so mortal an Enemy to the whole Reformation, that he desperately weaken'd himself, and banish'd 30000 Families of useful Subjects, only to root the whole Profession out of his own Dominions. And now can any rationally pretend, this present King will destroy the *English* Church, or the French Persecutor, and his Client the late King of *England*, uphold it? My dear Brethren and Countrymen, do not so infamously abuse your selves to believe so incredible a Fiction, so manifest a Cheat: Alas! all these good words are only to lull you asleep, till you, at the peril of your Necks, get him Power enough to extirpate you and your Religion also. I doubt not but for a while he would maintain the establish'd Church, and renew his Indulgence, because

because he can get footing no other way ; but it is easy to foresee how short-liv'd K. J. cannot maintain the Church of England long. all these Sham-favours will be: They spring from Fear, and desire of Opportunity to be reveng'd ; and so soon as ever the Fear ceases, and that Opportunity comes, he will most certainly kick down the Ladder by which he ascended, and pull off the Mask, appearing what he is in his Nature and Principles, and not what his Necessities have made him seem to be. So that if this Disguise be credited, the Persons impos'd on will and must pay for their Credulity, with the woful price of helping to destroy the most pure and flourishing Church in the World : In assisting to reinstate him, and fighting for him, they fight against their own Religion, which the Primitive Christians for all their Heroick Loyalty would not do, and which no Man ought to do, either for Interest or Revenge. For my part, I think true Religion so far above all worldly Concerns, and the Preservation of it so principal an advantage of Government, that the Prince who will certainly suppress that, must be more intolerable than he that would take away my Liberty, Estate, or my Life ; and it must be a damnable Sin in me to assist him in it, or put him into a Capacity to do it. To suppress the true Religion the greatest of Crimes. No Oath of Allegiance can bind me to this ; it may oblige me to suffer, but not to act for such a Design. Wherefore, for shame, let his Irish and English Popish Subjects alone carry on this impious Design, who can only hope for Advantage by his Restoration, and who are only bound in Conscience to help him: Neuter we must stand at least, and that will suffice to shew how contemptible a Party that is, which must be set up on the Nation's Ruin, and how impossible it is for him to cut down the Protestant Religion in England, without borrowing a handle from the Tree he would fell: Take warning by what is past. And what must be the inevitable Consequence of your deserting this King, or assisting the late Prince, even the Ruin of this most famous Church of England, and the endangering the whole Estate of Protestantism through all Europe ! In vain will you complain of this Consequence, when it is too late to remedy it ; your Guilt, Shame and Sorrow will then only remain, for having had a hand in so deplorable a Mischief. For my part I have deliver'd my own Soul, and given you fair warning ; God of his infinite Mercy open your Eyes in time, and grant you a right Judgment in this and in all things.

Reflections upon the late King James's Declaration, lately dispers'd by the Jacobites.

Printed in 1692.

THE late Revolution of Government in these three Kingdoms, has carried The Advantages of the late Revolution. along with it so many Blessings to these Nations, and the rest of Christendom, both with respect to the Civil Rights of all, and the Religious Concerns of all that profess themselves Protestants, that none but such as are profess'd Enemies to humane Laws, and consequently to all Governments but that of an absolute Monarchy, which is a plain downright Tyranny, and to the Interest of the Protestant Religion, can be uneasy under it, and refrain from hearty Acknowledgments to the Divine Goodness for suffering it to be brought about, when (God knows) we deserv'd no such Mercy at his hands, but to fall unpitied under all the Calamities we had in prospect, and which many of us had been so instrumental in bringing upon our selves. And the remarkable Providences that attended it, and have so signally appear'd, both in the preservation of his Majesty's Person, formerly and now of late, and in the Success of his Arms, have been such, as to be only inferior to those recorded in Sacred Writ, concerning the Delivery of the People of Israel from the Slavery they were under to the Egyptians. And yet as there were Murmurers among them, whom nothing would please but to make themselves a Captain, and return into Egypt ; so, to the reproach of this Age and Nation, we have

have Grumblers amongst us, who ever since the Revolution have been confederating with the open and profess'd Enemies of their Country, their Religion, and the Civil Rights of all Nations, to undo all that has been done, and to bring us back again, not into the same, but a far worse, and much more deplorable, because irretrievable, Estate of Wretchedness and Misery, than that was from which it pleas'd God to rescue us in so unexempl'd a manner.

The Folly
of expect-
ing another.

Their Folly and Madness in hoping to mend their own Condition, or that of the Nation, by another Change of Government, is so stupendous, that I shall say nothing of it; for Men that can be so near the level of Brutes, as to believe any benefit can accrue to this Nation, by returning like a Dog to its Vomit, are incapable of being argu'd with, persuaded to, or inform'd of any thing whatsoever. And if they know and believe, which they must do if they are capable of knowing and believing any thing, that the Restoration of the late King *James* by the power of *France*, would be the utter Ruin (to all human appearance) of the Laws, Liberties and Religion now establish'd and profess'd in and by this Nation; their execrable Villany in engaging in so black a Conspiracy, is such as must render them odious to God and Man, as being no better than very Devils in human Shape.

But since common Charity inclines me to believe no men do Mischief for Mischief's sake; I can more easily pronounce them Fools than Knaves: and the design of this Paper is to prove them to be Fools, by the greatest Instance of their Folly that has yet appear'd in publick; which is a Declaration printed and publish'd here, in the name of the late King *James*, inviting all his loving Subjects to return to their Duty and Allegiance, and to assist him against the Prince of *Orange* and his Adherents.

The Design
of the De-
claration
at the time
of its Ap-
pearing.

That pretended Declaration has been industriously dispers'd in several places in and about this Town, and that very lately, even since the Fleets were engag'd, but before the News came to Town of their Majesties Success; and an Advertisement written upon it, that the *English* and *Dutch* Fleets were worsted. By which we see not only how industrious they are in the carrying on of their Design, but how great Assurance they had of accomplishing their execrable Treason; not questioning, but that thro Treachery in our Fleet, the *French* would prevail, and then the Sea being open, the Troops in *Normandy* prepar'd for a Descent upon *England*, would presently be wafted over, with the late King *James* at the Head of them, who would have little or nothing to do, by reason of the Force he was to bring with him, the Assistance that was prepar'd for him here, and his suppos'd Interest in our Army (which I presume is much the same with what they persuaded him he had in the Navy) but to take possession of what the Coxcombs call his Right. But as they have been hitherto baffled in all their other Attempts, so they are at present (Thanks be to Almighty God) in this greatest and last Effort they will ever be able to make. The Defeat of the *French* Fleet has dash'd all their Expectations; and it is to be presum'd, has render'd them and their Interest as despicable in the Eyes of their Patron *Lewis XIV.* as they were before in the Eyes of all wise and honest Men: Insomuch that I know not whether it be now worth while to offer at an Answer to the pretended Declaration, or at making any Reflections upon it, which has receiv'd so very seasonable, so full, and so late an Answer from Providence itself. Yet having design'd to say something to it from the first time I got a sight of it, and having perus'd it carefully in order thereunto, I am not willing to be balk'd of my fancy, tho they are of theirs: And this benefit at least may redound to the Nation by exposing it, to wit, the enabling them to set a greater value upon the Mercy of God, in frustrating the hellish design that was form'd against them, by acquainting them, even from the Invitation that was made to them in the late King's Name to return to their Allegiance, what a condition they were like to be in under his Government.

The *French*
King's Promi-
se to K. J.

Perhaps the Penmen of this Declaration might have done their Cause as much Service by the publishing of it without any mention of the *French* King at all, as they are like to do by acknowledging in the Introduction to it, 'The Promises made by him to the late King, to assist him in the Recovery of his Kingdoms, as soon as the Condition of his own Affairs would permit it: And the *French* King's lending him so many Troops as may be sufficient to untie the Hands of his Subjects, and make it safe for them to return to their Duty, and repair to his Standard. They cannot but know how odious the *French* Tyrant is to the People of this Nation, and they ought to know that it is just he should be so; for that both we and his Neighbours look upon it, as one of the dreadfullest Calamities that in

an

an ordinary course of Providence can befall a Nation, to come under his Power, or lie at his Mercy. The Friendship betwixt the late King and *Lewis XIV.* was none of the least Disgusts that his Government gave to the Nation; we look'd upon ourselves as reserv'd to be swallow'd up last, when by his Successes upon the Continent, and the daily Increase of his Power by Sea, he should be grown too powerful for us to cope with. A War against *France* was the Cry of the Nation for some years; and now that we have a War with *France*, a War prosecuted with Vigor, and in which so many Princes and States are concern'd as well as our selves, a War in which we have great Prospect of Success both by Sea and Land, and by which in all likelihood the Tyrant's Power will be broken, and the Nation secur'd from him and his Successors; these fine-spun Politicians would have us return to his Friendship *gratis*, accept a King from him, let in his Troops, and be at his Mercy: And with such a blunder as this, they represent their pretended King, as beginning his Harangue to his *quondam* Subjects, to persuade them to play the Fool and become so again.

It's as silly to put these words into his Mouth, *We come to deliver our Subjects from the Oppressions they lie under.* What part of the People of *England* lie under any Oppressions from the present Government? Taxes given by Parliament were never accounted Oppressions, for they are legally due. If they are now somewhat greater than ordinary, 'tis a sign indeed how desirous the People are to return to their Allegiance, when they give such extraordinary sums of Money to support the Government under their present Majesties, in opposition to the late King and all his Adherents. To imagine any thing else under this Government that looks like Oppression, is to rave; and if any such thing were,

The Pretences of Oppression consider'd.

Quis tulerit Gracchos de Seditone quærentes?

They complain that the People were 'cheated into the late Revolution by the Arts of ill Men, and by the Prince of *Orange's* Declaration, which was then taken upon Trust, but was false in all its parts, and contain'd Promises which were never intended to be perform'd. It's a strange unaccountable degree of Impudence that some Men arrive at, and I am apt to think the Penmen of this Declaration are second to none, who have the face to affirm publicly, that the Prince's Declaration was false in all the parts of it; whereas the whole Nation knows, that it consisted of a Scheme of the late King's Misgovernment, and enumerated the several Methods that were taken by him, and his evil Counsellors, to subvert the Laws and Religion of this Nation; all which Methods there mention'd, were in every Particular not only true, but notoriously known to the whole Nation so to be, and were indeed the only things that justify'd and warranted what was then done. And to say those things are false, shows how lamentably our Traitors are put to't for Arguments, since they are forc'd to make such palpable Lies their Refuge. As for the Promises, which they say were never intended to be perform'd, I should return them an Answer, if the Authors of the Declaration had mention'd, or if I my self could have call'd to mind any thing that look'd like a Breach. But till then it may be enough to put them in mind of the late King's Promise upon his first Accession to the Crown, and of his Promise at his Coronation, which was solemnly sworn to, and to appeal to their own Consciences how well either of them were kept.

One would have thought, that in a Declaration pretended to have been emitted by a Prince, from whom his Subjects had withdrawn their Allegiance for his Misadministration, to persuade and encourage them to receive him again, and re-admit him into the Government, something should have been said, either to justify those Proceedings for which they took offence at him, or to excuse them, and promise amendment for the future. But no such thing is so much as offer'd at in this Declaration; so far from that, that the Revolution is ascrib'd to an ambitious Design of the Prince of *Orange*, and an Infatuation upon the People. They make the King say, 'That when he heard of the unnatural Design of the Prince of *Orange* of invading the Kingdoms, he refus'd the *French* King's Assistance, and cast himself wholly upon the Courage and Fidelity of his *English* Army. And this they call, Taking things from the Beginning. Whereas if they would really have taken things from the Beginning, they ought to have begun with the late King's raising Money without Authority of Parliament, with the barbarous Murders committed in the *West* by his Orders, with the bare-fac'd setting up for Popery, his erecting

No Amendment promis'd.

Illegal Actions committed by K. J.

illegal Judicatures, suspending the Execution of Laws, filling Church-Benefices and Courts of Judicature with such Persons as would be subservient to the carrying on of his Designs, without any regard to their Integrity or Abilities; the invading the Rights of all Corporations by *Quo Warranto's*, and Surrenders of Charters, in order to the packing such a Parliament as might subvert the Government under a colour of Law: And to make good these bold Attempts upon the People, his raising a Standing Army in time of Peace, without Authority of Parliament, which was neither better nor worse than waging a War against his own People. Had not these and many such Enormities been committed during that short Reign of his, whatever ambitious Design the Prince of Orange might have conceiv'd, the late King would have retain'd his Sovereignty to this day. But the Government being such as the People found themselves not safe under it, as neither enjoying the benefit of the Laws for the present, and having nothing in prospect but an Entail of Popery and Slavery upon them and their Posterity; they were very ready to lay hold of the Deliverance which God Almighty presented them with, and with open Arms receiv'd the Prince of Orange, as being sent, and so he was, by Almighty God, upon as glorious an Errand as ever Man had the honour to be employ'd in, to wit, the rescuing an oppressed People from the Jaws of Destruction. Their complying with the Prince in assisting him to promote the Ends of his Declaration (which if they had neglected to do, they had been most extremely ungrateful to God and Him, wanting to themselves and their Posterity, and the just scorn of Mankind) is by the Authors of this Declaration, most impudently ascrib'd to an Infatuation upon them. Which is a pretty odd way of persuading a Nation to receive a dispossessed Prince again, to call them Fools for rejecting him, without making any inquiry into, or offering at any Answer to the known Reasons for which they did it.

The Pr. of
Orange
vindicated.

The Prince of Orange's Expedition is term'd an *Unnatural* Design of invading the Kingdom. The Prince had no design of invading the Kingdom, but could not come over with any safety, without such a Strength as might be able to defend him against an illegal Force rais'd here. But the terming of his Design *unnatural*, because forsooth of the Relation he has to the late King by Blood and Marriage, proceeds from the silly Conceptions of those narrow-soul'd Mortals, who cannot distinguish betwixt a Kingdom and a Family; and think a whole Nation ought to perish, rather than a Nephew and Son-in-Law should save it, whether his Uncle and Father will or no. Not to mention the Concern the Prince had upon him, by reason of his own Interest in the Succession.

To defeat this Unnatural Design, the Courage and Fidelity of the *English* Army was what the Authors of this Declaration tell us the late King rely'd on. Whereby they make him own, as the truth is, that his Government and Carriage towards his People had been such, as he conceiv'd he had but little Reason to rely upon them. And if then they saw Cause to desert him, when his Reliance and Dependence, next under God, was an Army of our own Countrymen, how much less reason have they to receive him again now, when they see he relies upon an Army of Foreigners, profess'd Enemies to the Nation, and Subjects to a Prince, whose Power and our Safety are things incompatible?

K. J. en-
deavours to
hinder the
Prince's
Design.

They tell us, that when the King had notice of the Prince's Design, 'He took what care he could to prevent the Mischief, by undeceiving the People, tho he was not believ'd till it was too late: That the Infatuation being such as to take hold of the vital Parts of the Kingdom, and spread it self through his Army, his Court and Family, and the Revolution coming on so fast, that he found himself wholly in his Enemy's Power, it was time for him to consult the Safety of his Person, by withdrawing from the Guard of Foreigners that was set upon him; and arriving in *France*, the only Place in *Europe* to which he could retire with safety. And this withdrawing himself in the Circumstances he then was, the Penmen of the Declaration make him complain of, for being construed by the Prince of Orange's Faction in England to be an Abdication; a word, when apply'd to Sovereign Princes, that never signify'd any other than a voluntary Resignation of a Crown, as in the Case of the Emperor Charles the Fifth, and the late Queen of Sweden. The Convention that did this, they call, 'A company of Men illegally met together; and make an hideous Outcry, that 'they, who by their own confession had no Power to charge the least Subject of the Realm (for it was before they had voted themselves a Parliament) should yet destroy the whole Constitution of the Government, to make an antient Hereditary Monarchy turn Elective, and settle the Succession in so odd and extravagant a manner.

The

The Design of this long Discourse is to show, *That the King's absenting himself out of the Kingdom, when he apprehended himself not safe in it, was improperly term'd an Abdication; and that the Convention had no Authority to do what they did.* To the latter of which I shall say nothing but this, That enough has been said already to vindicate the Authority and Justice of their Proceedings, and that they have been prov'd abundantly to be warranted by the Laws of this Realm, and the practice of their Ancestors in the like Cases; and have since been justify'd and declar'd to be legal by a Parliament call'd according to form: And that if all that were wanting, yet there was and is another Law, superior and antecedent to the Municipal Laws of Nations, call'd *the Law of Nature and Right Reason*, which such abject Souls as the Penmen of this Declaration are endow'd withal, are not acquainted with; by which it is not only lawful, but a Duty incumbent upon all Nations, to provide for their own Safety and Security by the best and most prudential Methods, that it shall please God to direct them to when the Government is off the Hinges, whatever becomes, or however they shall think fit to dispose of those Princes, whose exorbitant Abuse of the Legal Power committed to them, has brought them into Disorder and Confusion.

The Proceedings of Parliament vindicated.

As for the word *Abdication*; indeed our Lords and Commons did not think convenient to consult Grammarians, and little pedantick Scholars, about the propriety of a word when the Safety of a Nation was at stake. They did a just, lawful, honourable and necessary Work, and made use of such Expressions as they thought fit. But the Penmen of this Declaration, if at least they have inform'd themselves in some measure of the common acceptation of the Word out of some Civil-Law *Lexicon*, do not understand, or industriously conceal how the Convention us'd and apply'd it. They do not call the King's bare withdrawing himself an *Abdication*; the words of their Vote run thus, *viz.* 'That the late King James, having by the Advice of Jesuits, and other wicked Men, broken the Original Contract betwixt King and People, and endeavour'd to subvert the Fundamental Laws of the Realm, and since withdrawn himself, hath abdicated the Government, &c. So that the Abdication relates to the whole, his endeavouring to subvert the Fundamental Laws, as well as his withdrawing himself. And a Prince may properly be said to wave or forego his Legal Authority when by endeavouring to subvert the Laws upon which it is grounded, he assumes to himself an Arbitrary and Tyrannical Power instead thereof. If the Convention thought fit to call this an *Abdication*, all Men but Pedants, and Men of *Dictionaries*, will allow such Assemblies to conceive their Votes in their own Expressions, nay tho they should proceed so far as to stamp a new Signification upon an old Word. I will not say that King James's forfeiting his Crown by his Misgovernment, and their deposing him for it, was what he did, and what they meant, however they thought fit to express themselves: but this I know, that the Scots spoke plain English.

Abdication vindicated.

One Observation more I must make upon this Paragraph; to wit, *That when the late King thought fit to leave England, He look'd upon France as the only Part in Europe to which he could retire with Safety.* By which we see how much that Prince is in the Interest of his People, who could think himself safe no where else but with their mortal Enemy.

K. James thought himself safe only in France.

In the next Paragraph the Penmen of the Declaration put us in mind, *how little the Kingdom is a Gainer by the Change*; and instance in three Particulars, wherein they would have us think our selves losers by the Bargain; *viz.* *The expence of English Blood, the loss of Ships, and the Sums of Money that have been drain'd from us.* They mention to us, *how great things might have been done with the expence of so much Blood as has been shed in this War*; but do not tell us, what things in particular we might reasonably expect would have been attempted to have been done. And we know very well, that there was not then, nor is now, any other occasion of Expence of English Blood, but to pull down a Tyrant, whom the Friendship and Alliance of our two late Kings rais'd to such a height of Power, that neither we, nor any Nation about him, can have any prospect of Security till it be abated. 'Tis ridiculous to say, *We should not have had a French War if we had kept the late King.* For he would have been growing in Strength, till we, tied up with our King's Alliance with him, from checking him in his Career, should have become an easy Prey to him. His pretended Friendship to King James, were a miserable Security for the Nation to have rely'd upon. We know how much English Blood was shed in a late Reign to destroy a Protestant State, and by whose Counsels those two mischievous Wars were set on foot; and may guess by that which way the Power of

The Expence of War satisfy'd.

this Nation would be turn'd if some body had the ordering of it again. As for the loss of Ships, and payment of Money, they were both the necessary Concomitants of a War. And notwithstanding the loss of some Ships, which is to be lamented as a loss to the Nation, such is the Care of the Government, that the Navy is in as good, if not a better Condition than ever. As for Money, the People of *England* have never been unwilling, under former Tyrannies, to be at the Charge of their Deliverance; nor ever grudg'd to pay Taxes when the Exigences of a good Government requir'd it; nor are they so void of common Sense, as to return to Slavery to save Charges.

The next Paragraph in the Declaration, is Railing and Prophecy; *Usurper, Nero, Fraud and Violence*; and *that the beginning of Tyranny will prove the mildest part of it*. But his Majesty is above their Scolding; and for their Prophecy, we are willing to appeal to the Event.

Benefit of
Posterity
pretended.

Then they advise us to consult the Benefit of our Posterity, and tell us, That
' if it should happen, as one of the severest Judgments of God upon this Nation,
' that the late King should not be restor'd during his Life, yet an undoubted Right
' to the Crown would survive in his dearest Son the Prince of *Wales*, and his Issue;
' and such other Sons as (the Queen being now with Child) he may happen to
' leave behind him. And they tell us upon this occasion, what Calamities the Commons underwent by Plunder and free Quarter in the Contention betwixt the two Houses of *York* and *Lancaster*; and that such Struggles will always be, where there is an injur'd Right, and an unjust Possession.

'Tis not the
Interest of
England to
restore K. J.

The Argument here is no other than this, *viz.* It is the Interest of the People of *England* to restore King *James*, and undo again the present Settlement for fear of a Civil War, God knows when, to be occasion'd by the late King's Male Issue, vindicating their pretended Right. We must return to Slavery for fear of a Civil War; that is, to all the Calamities that being conquer'd can bring upon us, rather than run the hazard of being engag'd in a War in our own Defence. But God be praised, a Civil War upon that score is very remote in prospect. For who should abet the pretended Prince of *Wales* his Title? Our Male contents are too inconsiderable a body of Men to give the Government any disturbance. They have not been able to do it all this while, notwithstanding the Difficulties we have struggled with in *Scotland* and *Ireland*, notwithstanding their Encouragement and Assistance from *France*. What will they signify when all things being quiet at home, and the *French* Power broken abroad (which these very few Days last past are so happy a Preludium to) they shall be left alone to assert the Title of a Popish young Prince, whom the Nation does not know, nor so much as believe to be any Prince at all? But that bloody Wars, the extirpating of many Noble Families by Executions and Attainders, Plunder and Free-quarter of and upon the Commons, ensued upon the Contentions betwixt the Houses of *York* and *Lancaster*, is in a great measure true: But those two Families were not of a different Religion, no Discontents nor fears of Innovations under either of them; no arbitrary Power dreaded. The Princes of those two Lines were both very powerful by their Interest in the Nobility and Body of the People: Whereas the pretended Prince of *Wales* his Interest will be, if any where, amongst a very few Grumblers only; whom all considering Persons must needs be asham'd to side with, considering how unsuccessful they are in all their Attempts, and how fatal it has been but within these few days to a very great Prince, to suffer himself to be fool'd into their Cause.

The Fr. K.
the Author
of all the
Wars in
Europe.

The Penmen of the Declaration in their next Paragraph, out-do themselves in Folly and Extravagancy: They remind how great Advantages might have been had against the Common Enemy, and what an opportunity there was of enlarging the Bounds of the Christian Empire, greater than any that ever were since the declining of the Roman, if this present War had not been; which they would insinuate to us has been occasion'd merely by the late King's being dispossess'd of his Power. To believe which we must take for granted that the *French* King has engag'd in this Quarrel, out of pure good Nature to his injur'd Ally; and that if their late King *James* had continu'd in his Government, *Europe* would have been at a perfect Peace within it self. But we all know that the *French* King for thirty Years last past has neglected no Opportunities to disturb the Peace of *Europe*; that his aiming at an Universal Western Empire, has occasion'd all the Convulsions that so great a part of *Europe* has undergone in all that time; that *England* was capable of putting a stop to his ambitious Designs; and that he being very sensible of it, cultivated an Alliance with our two last Kings, to tie up the Hands of the *English* Nation from obstructing

obstructing his Growth : That under a Protestant and an Heroical Prince, a Prince deservedly his Enemy, because he is the Enemy of Mankind, *England* would be let loose upon him (as we see at this day to his sorrow) And therefore it was that he struck in with the Interest of the late King, knowing that under his Government we should not be capable of molesting him. So that 'tis the *French King's* Ambition, and not King *James's* Abdication, that is the Cause of the War. O but the Christian Empire might have been enlarg'd. Who should enlarge it? The *French King*. Who contracted an Alliance with the *Grand Seignior*, and encourag'd him to make War upon the Christians, who in order thereunto sent him Officers, Soldiers and Engineers to instruct his People in the Art of War? Or might the Emperor of *Germany* have been more at leisure to do it, if he were not engag'd as he is in the Confederacy against *France*? Besides, that the Supposition is wild and extravagant, how sensible a thing is it, That a Western Protestant Kingdom should be persuaded to let in Popery and Slavery, that Eastern Papists may be more at leisure to fight against the *Turks*? Such fulsom Nonsense do those Men accost us with, and would have us believe that such Trash was emitted by the late King's Order; whom if they had that Honour for which they pretend to have, by asserting his Title so indefatigably, they would not have cast such a blemish upon his Understanding, as to ascribe such a Paper as this to him; at least not to have inserted so silly a thing as this in it.

The Fr. K. in league with the Turks.

While the late King remains unrestor'd, they tell us, 'No prospect of a Peace is capable of being formed; but that being done, the thing will be easy, and he will use his Endeavour with the most Christian King to effect it. I thank God the Nation is not yet so weary of the War as to accept of a Peace upon those Terms: Nor have we any reason to believe, that whenever it shall please God to send us Peace, we shall be beholden to the most Christian King for it. The destruction of his Navy will in a great measure disable him from giving Peace to Christendom.

No solid Peace pretended without restoring of K. J. examin'd.

The next thing that occurs, is their forbidding us to contribute to the support of the present Government, by collecting or paying Taxes, &c. But it will be time enough for them to command that, when their King is in possession of some part of the Kingdom again; then he may forbid them that are under his Power to pay Taxes to any other; till then the People will pay to the Powers in being. And they have the less reason to expect our Obedience to this part of their Declaration, because I cannot learn that any of their own Faction here in *England* refuse to pay their Taxes impos'd by this Government. They would do well to set us a good Example; but instead of that, in direct opposition to and in contempt to their Master's Authority, some of them contribute to the support of the Government more than we do, by paying double.

But to show how merciful a Prince their Master is, tho the whole Nation has offended him, he will not be revenged upon all of it: Some shall survive his Indignation, that he may not be without Subjects. He therefore excepts only,

- ' 1. About thirty Persons by name.
- ' 2. All such as offer'd personal Indignities to him at *Feverisham*.
- ' 3. All those, who as Judges, Jury-men, or otherwise, acted in the barbarous Murders of Mr. *John Ashton* and Mr. *Cross*, or any others that have suffer'd for their Affection and Loyalty to him.
- ' 4. Spies, and such as have betray'd his Councils.
- ' 5. Such as shall appear in Arms against him at his landing.
- ' 6. Such Magistrates as shall not cause his Declaration to be publish'd upon the receipt of it.
- ' 7. Goalers of Prisons, that do not discharge out of Custody all Persons committed for their Loyalty to him.
- ' All others, how guilty soever they may have been, shall have their Pardons under the Broad Seal of *England*; and the Parliament shall have it recommended to them, to pass an Act of Indemnity for quieting the Minds of all People.

Persons excepted out of K. J's Pardon.

They that pen'd this Declaration, take upon them very freely to hang and save whom they please; and well they might, if their Game had been so sure as they apprehended. They thought their Design so laid, that there was no room left for Fortune, nay scarcely for Providence to blast it. We know what they had in prospect; to see the late King land at the head of betwixt 20 and 30 thousand *French, Irish* and *Scots*; the *Dutch Fleet* destroy'd, and ours betray'd into their hands: An Insur-

Reflections upon it.

Insurrection here to join with their King, and bring him to his Palace: The Army to revolt: The Queen to be seiz'd, and the King assassinated: And all this so laid, as to be design'd to be effected at one and the same time.

Exod. cap.
15. v. 9,
10, 11.

The Enemies said, I will pursue, I will overtake, I will divide the Spoil; my Lust shall be satisfy'd upon them: I will draw my Sword, my Hand shall destroy them.

Thou didst blow with thy Wind: The Sea cover'd them: they sank as Lead in the mighty Waters.

Who is like unto thee, O Lord, amongst the Gods! Who is like unto thee! glorious in Holiness, fearful in Praises, doing Wonders!

The Fr. K.
pretends to
be paid.

The Officers and Soldiers of the Army that will quit the Usurper's Service, and return to their Duty, &c. shall have all their Arrears paid them: And the Foreigners shall be transported to their own Countries, or whither they shall reasonably desire. This perhaps it would be in the late King's Power to perform, if he were once got into possession of the publick Revenue. But who shall pay the French King the vast Expence of this War, which he has engag'd in for King James his Restoration? Will those Arrears be remitted; or must we, who are pretended to be oppress'd already under this pretended Tyranny, come under real Oppressions, under a Tyranny truly and properly so call'd; and have all we have taken from us, and little enough too, to repay the French King's Charges for above three years War, and the loss of so many of his Subjects, and now of late for the loss of his Fleet? or must our Fleet be deliver'd to him in lieu of his own, which has been lost in our pretended King's Service? They that advise us to receive the late King again in order to save Charges by living in Peace, and think we cannot but be induc'd thereunto by casting up our Accounts, and perceiving how much we are losers by the Bargain, may assure themselves, that tho we have not cast up this Account (because it exceeds our Arithmetick) yet we are very well appriz'd that it will amount to an infinite Sum; and are not so mad as to carry the Cause and pay Costs.

Church of
E. to be
protected.

This pre-
tence con-
sidered.

K. J. his
Conduct to-
wards the
Protestants
in Ireland.

The farther they proceed the more ridiculous they grow. The Church of England as establish'd by Law, is to be protected in all its Rights and Privileges, and upon the Vacancies of all Spiritual Livings and Dignities in the King's Disposal, they shall be fill'd up with the most worthy Persons of their own Communion. And Liberty of Conscience shall be recommended to the Parliament to be establish'd by Law, as a lasting Blessing to these Kingdoms. What would the Nation have more? The Great Lewis the 14th, who has extirpated the Protestant Religion in his own Kingdom, is for the Church of England here in this. The late King, who endeavour'd the Subversion of it, and in a manner openly disown'd the Protection of it whilst he was here, not only by the whole Course of his Actions and Government, but by disowning himself to be the Head of it, by discountenancing the Oath of Supremacy, and submitting himself to another Head in Spirituals, will upon his Return steer another Course, and protect the Church of England as establish'd by Law; and his Word must be taken for it now, tho a more sacred thing than the Word of a King could not bind him heretofore. He that in Ireland shew'd sufficiently what he would do in England, as soon as he should have Power, contrary to what he there promis'd as solemnly as he can do by any Words that the Pen-men of this Declaration are able to put into his Mouth (as any Man may be inform'd, that will take the pains to read that excellent Book of Dr. King, who was an Eye-witness of his Conduct there) will recede from his Principles and act contrary to his own Nature here, and that in favour of a People, against whom he is exasperated to the utmost degree of Extremity, and upon whom he will have it in his Power to execute his Revenge, if ever by the Power of France he should come to be re-instated in the Government. The very naming of the Church of England, which was so odious to him formerly, and is much more so now, that he looks upon them as Men, who by their Carriage to him at the time of the late Revolution, contradicted their own Principles, and are no longer to be trusted and rely'd upon by him, yet must be suppos'd so silly, as to believe him upon the bare Words of a Declaration, publish'd, in all likelihood, without his Order, or so much as his Knowledge.

They make him promise, 'That Vacancies of Livings in his Disposal, shall be fill'd up by the most worthy Men in the Communion of the Church of England. But they tell us not who they are that must judg of their Worthiness. And we know that if he receives Characters of them, from such as recommended Men to him formerly, to be prefer'd both in Church and State, we are like, for the most part, to see Men advanc'd to Livings and Dignities in the Church, that are and will be a Scandal to their own Communion.

As

As for Liberty of Conscience, that Doctrine sounds so vilely from St. *Germain's*, No Liberty of Conscience intended. that it's an insufferable Imposition upon our Understandings to mention it.

In the two last Paragraphs they promise for him, ' That he shall restore the Navy and Stores to the Condition they were in when he left them, to increase the Trade and Bullion of the Kingdom, and spend the Remainder of his Reign (as he always design'd since his first coming to the Crown) in advancing the Greatness of the Monarchy, and settling it upon its true Foundation, the Unity and Affections of the People. Then (as having given Reasons sufficient to draw the People over to him again, and answer'd all Objections to the contrary) they threaten such as shall yet remain obstinate, ' with falling under the Severity of his Justice, and being accountable to God for the Blood that shall be shed in this Quarrel.

These are all the Arguments, Promises and Threatnings made use of in that long Declaration; which are such as in my Opinion, the Declaration it self might very well have been spar'd: for those few that are already in the late King's Interest, needed no Declaration to invite them to return to their Allegiance; and such as adhere to the present Government (which God be thank'd is infinitely the greater part of the People) do so upon Principles, which are not shaken in the least, nor indeed so much as touch'd upon in this Declaration. But for Fashion-sake, a Declaration must be had, and for Fashion-sake I have made some Observations or Reflections upon it; which how considerable soever they may be, cannot possibly be so weak as their Subject.

A true Account of the horrid Conspiracy Printed in 1692
against the Life of his sacred Majesty William III.
King of England, Scotland, France and Ireland,
&c.

Setting forth by whom it was contriv'd: How it was to be carry'd on; And the Manner of its Discovery.

SOME of the Ministers in the highest Employments, and of the greatest Credit in the French Court, having form'd a Design to assassinate his Majesty of Great Britain, they made choice of one *Bartholomew de Liniere* Kt. *Sieur de Grandvall*, as their Instrument to manage the Enterprize, to find out Persons fit to be employ'd in it, to engage them by Promises of great Rewards; as also to be aiding and assisting in his own Person. The Fr. Ministers Contrivers of the Design.

The said *Grandvall* being inform'd, That one *Anthony du Mont* had already been engag'd in this Design, in the Life-time of the late Marquis of *Louvois*, he propos'd it to him again, to execute the same, by order of the Marquis of *Barbesieux*, and some others. Whereupon several Projects were drawn up, several Petitions deliver'd, and many Conferences were held, and at last the Resolution was taken to bring it to effect the last Campaign 1691. But the Providence of God having disappointed them, yet notwithstanding they did not let fall the Prosecution of their horrid Design. But *Grandvall* was employ'd to write frequently to *Du Mont* (who was retir'd to *Hanover*) to stir him up to another Attempt this Campaign, which at last they agreed upon. Grandvall and others immediately concerned in the Assassination.

One *Leefdale* coming to *Paris* about that time, *Grandvall* making an Acquaintance with him, discover'd to him the said Design, which *Leefdale* shew'd a Willingness to be concern'd in; But soon after gave notice of it by Letters to his Relations in *Holland*,

Holland, that they might inform his Majesty. And the like Discovery was made by *Du Mont* to his Highness the Duke of *Zell*, who acquainted his Majesty with it about the same time that he receiv'd the other Account.

Grandvall seized. In the mean time *Grandvall* having appointed *Du Mont* a Rendezvous at *Uden* in the Country of *Ravestejn*, he set out from *Paris* in Company with *Leefdale*, passing thro *Brussels*, where he communicated his Design to one *John d' Amours*, who was formerly a domestick Servant to *Leefdale's* Father. From thence they went to *Antwerp*, and so to *Eyndhoven*, where *Grandvall* was seiz'd and carry'd to *Bois le Duc*.

Examinations taken. His Majesty directing the Examinations to be taken there, *Leefdale* was first examin'd, who declar'd, with great Exactness, all the Circumstances of the Conspiracy. But it is not necessary to mention more of them here, than that *Grandvall* told him, The King of *Great Britain* was look'd upon as the only Obstacle to the *French King's* Designs: That *Grandvall* had sent to *Du Mont* last Winter above 200 Pistoles, to keep him firm to the Business; and that he sent him ten Ducats from *Brussels* by Bill of Exchange: That whilst they were at *Mons*, a Report being spread of some Disorders in *Scotland*, which would oblige his Majesty to cross the Sea again; *Grandvall* fearing it might happen before he could execute his Design, spoke to *Leefdale* in these words; Dear Friend, we are like to lose our Fortunes, I beg of you that we may go away immediately.

D' Amours examined. *John d' Amours* being next examin'd, depos'd, That *Grandvall* told him at *Brussels*, He had a great Business to do, which had miscarry'd the last Year. And they two falling into a Discourse about his Majesty, *John d' Amours* ask'd *Grandvall*, if he had any thing to say to the King? Yes, answer'd he, to break his Neck. *John d' Amours* representing to him the Difficulties that might attend such an Attempt; *Grandvall* reply'd, I have given my Word to Monsieur *Barbesieux*, and I'll do it. *D' Amours* adds further, That going one day with *Grandvall* and *Leefdale* by the Jesuits Church at *Brussels*, *Grandvall* said, Let us go in and say a *Pater Noster*, that God would bless our Undertaking: And accordingly they went into the Church.

Du Mont examined. *Du Mont* having been examin'd since, has own'd the Fact in all its Circumstances; adding several other Particulars, viz. That *Madam Maintenon* was acquainted with the Design, and that *Grandvall*, in one of his Letters sent to him, us'd this Expression, that he would accommodate the Matter by the Means of *Madam Maintenon*. That *Grandvall* told him, the Business succeeding, he (speaking of himself) should have an ample Recompence, even to be a Duke. That whilst he was at *Hanover*, he imparted the Design to Monsieur *Bedall*, alias *Hasfelt*, who was at that time the *French King's* Minister in that Court; that he shew'd to the said Monsieur *Bedall* all the Letters he writ to Monsieur *Barbesieux* and *Grandvall*, as also the Answers he receiv'd from them; that the said *Bedall* approv'd the Design, saying, It would be a very good Business, if it could be brought to pass; and that *Bedall* lent him fifty Crowns at *Hanover*. *Du Mont* adds further, That he was intimately acquainted with one *Miller*, an Agent for *Bedall*; that the said *Miller* told him, as a great Secret, That *Bedall* had sent him several times to *Holland* with Dispatches, that came from *France*, for Monsieur *Moreau* Envoy to the King of *Poland*; that he always gave those Pacquets into Monsieur *Moreau's* own hand, and Monsieur *Moreau* gave him the Answers to them in like manner: And that by the help of Monsieur *Bedall* and Monsieur *Moreau*, the Court of *France* manag'd their choicest Correspondence in *Holland*.

Grandvall's Examination. At last *Grandvall* was examin'd, who perceiving that the Matter was discover'd, and that his own Letters could be produc'd to convict him, he ingenuously confessed all the Circumstances of the Design, as they are particulariz'd in the Sentence.

After which *Grandvall* being brought to the Army, he was put upon his Trial, before a Grand Court Martial, consisting of General Officers, where he appear'd several times, together with the Witnesses above-mention'd; who not only persisted in what they had already depos'd, but added many other Particulars and Circumstances, of which there were very few that *Grandvall* did not agree to, and that freely, without so much as naming the Rack to him, either before or after Sentence.

He confesses and tells his Author s. *Grandvall*, during his Imprisonment, drew up two Petitions to be presented to his Majesty, all written with his own Hand; in which he says, That as to the before-mention'd Design, he acted in it, but in Obedience to the Orders he had receiv'd from Monsieur *Barbesieux* and Monsieur *Cbanlais*; That *Du Mont* was guilty; That

That *Leefdale* was guilty; And that he (*Grandvall*) was guilty, since every one that conspires against a crown'd Head is worthy of Death, acknowledging his own Fault.

The Judges after this having met several times, at last gave this Sentence, which is here inserted Word for Word.

W Hereas *Bartholomew de Liniere* Kt. *Sieur de Grandvall*, born at *Liniere* in *Pi-* The Sen-
tence given
by the Jud-
ges against
Grandvall.
cardy, aged about 43 years, and now a Prisoner, hath confessed before the Grand Court-Martial, without any Constraint, by Pain, or being in Irons; and it further appearing to the said Court-Martial, That the late *Marquiss de Louvois*, in his Life-time, Secretary of State to the *French* King, in the year 1691, entred into an Agreement with one *Anthony du Mont*, about the Murder of his Majesty, *William* the III. King of *Great Britain*, &c. and that the said *Du Mont* had fram'd a Project, setting forth in what manner that Design might be executed; that he deliver'd the said Project to the said *Marquiss of Louvois*; That the Prisoner some time before the *Marquiss of Louvois's* Death, asking his leave to go somewhere else, was order'd by the said *Marquiss* not to go away, for that he had some Business of Consequence to employ him in, which the Prisoner supposes to have some Relation to the said Design; but the *Marquiss of Louvois* dying some time after, there was no further Progress then made in the said Design.

That the *Marquiss of Barbesieux*, Son to the said *Marquiss of Louvois*, as also Secretary of State to the *French* King, having five days after his Father's Death found the said Project, together with a Warrant for thirty Pistoles to be paid to the said *Du Mont*, among his Father's Papers; the said Design was reviv'd again, and the thirty Pistoles were paid accordingly. That the Prisoner contracted Acquaintance with *Du Mont* at *Monsieur Rabenac's* House, where *Monsieur Paparell*, Pay-Master General to the *French* King's Armies, saying one day to *Monsieur Rabenac* (the Prisoner being present) That if they had a mind to seize the King of *England*, *Du Mont* would be a fit Person for it; *Du Mont* reply'd with Execrations, That he would carry off his Majesty alive or dead, as he had promis'd to *Monsieur de Louvois*.

That *Du Mont* having deliver'd the same, or the like Project to *Monsieur de Barbesieux*, the Prisoner, to promote the said Design, had several Conferences with *Monsieur Barbesieux* and *Monsieur Paparell*; in one of which, *Monsieur Barbesieux* told the Prisoner, That he suspected his Father was poison'd by order of the Prince of *Orange* (meaning his present Majesty of *Great Britain*) and therefore he would be reveng'd of him: That *Monsieur Barbesieux* told the Prisoner in another Conference, that he should give *Du Mont* Notice that his Majesty of *Great Britain* wore a Coat of Mail, which the Prisoner acquainting *Du Mont* with, he answer'd thereupon, it is no matter, I'll kill him for all that: That *Barbesieux* had said further, he would not speak himself with *Du Mont*, fearing he might be taken Prisoner; and if he should happen then to name him, it might make a great Breach in his Fortune.

That the Prisoner was engag'd with one *Parker*, a Colonel belonging to the late King *James*, to put the said Design in Execution; and that *Parker* had told him, he had form'd the said Design with the late *Marquiss of Louvois*.

That at last, the Prisoner, with the said *Barbesieux*, *Paparell*, *Parker*, and *Du Mont*, agreed upon the manner of executing the said Design, viz. That the Prisoner, and *Parker*, should meet at the Grand Guard of the Duke of *Luxemburg's* Army, where they were to have 1500 Horse; That *Du Mont* should go to the King of *England's* Army, and watch the time when his Majesty went to visit the Grand Guard, and at the same time he was to shoot his Majesty; that the Prisoner and *Parker* with 1500 Horse were to rescue and bring him off, the said *Du Mont* giving timely Notice to the Prisoner of the intended Execution. That *Barbesieux* giving the Prisoner Orders to accompany *Du Mont* to *Menin*, he gave him at the same time an Order to the Duke of *Luxemburg* for furnishing the Prisoner with such a Detachment of Horse as he should require, and think necessary for the Design.

That the Prisoner by *Monsieur Barbesieux's* Order, receiv'd of *Monsieur Paparell* 80 *Lewis d'Or*; and pursuant to *Monsieur Barbesieux's* Directions, he gave to *Du Mont* 55 *Lewis d'Or* out of that Sum, viz. 15 Pistoles in Specie, and a Bill of Exchange for 460 *Livres*, *French* Mony, to be paid at *Ghent*; That the Prisoner accordingly left *Paris* the 11th of *September* 1691, and went Post with *Du Mont* to *Menin*; That he defray'd the whole Charge of the Journey; That *Du Mont* acquainted him on the way, That *Monsieur Barbesieux* had promis'd him an annual Revenue of 20000 *Livres*,
Barbesieux
concern'd in
the whole
Design.

Livres, and to make him a Knight of the Order of St. Lazarus, in case the Design took effect: That the Prisoner coming to *Menin*, went to the Governor Monsieur *Pertuis*, as he had been directed by Monsieur *Barbesieux*, and obtain'd of him a Passport for *du Mont*, who parted immediately for *Ghent*, promising the Prisoner, that according to their Agreement he would send to him at the Grand Guard; that the Prisoner thereupon went to the Duke of *Luxemburgh's* Army, and he and *Parker* continu'd at the Head of the Grand Guard till the day before the Rencontre at *Leuze*, without hearing from *du Mont*.

That *du Mont* going to *Hanover*, the Prisoner had kept a constant Correspondence with him about executing the same Design at some other Opportunity; that the Prisoner communicated what Letters he receiv'd from *du Mont* to Monsieur *Barbesieux*, who gave him Directions what Answers he should return; that the Prisoner resolv'd with Monsieur *Barbesieux* that the Design should be executed this Campaign, Anno 1692. which had fail'd the last; that the Prisoner had taken some Measures concerning the same with Monsieur *Chanlais*, Quarter-Master General to the French King.

In the mean time one *Frederick Aelbreyt Leefdale*, heretofore Captain Lieutenant of a Troop of Dragoons in the Service of the High and Mighty States General of the United Provinces, coming to *Paris*, was brought acquainted with the Prisoner by the means of one *Sterck*; that the Prisoner having contracted an intimate Familiarity with the said *Leefdale*, discover'd the said Design to him towards the latter end of *March* last 1692. telling him, That an Officer who would ingratiate himself in the King's Favour, must venture at something of Consequence; that he the Prisoner had concerted the execution of a Design upon which his Fortune depended; that it was indeed a Matter not without hazard, but the greater the Difficulties were the more would be the Honour, encouraging *Leefdale* to be concern'd in it. And the said *Leefdale* shewing a readiness to comply with him, the Prisoner open'd himself with greater Freedom, and told him, That he was engag'd last Campaign with one *du Mont* to assassinate the King of Great Britain, but it had no effect, by reason of his Majesty's leaving the Army so soon; but it was resolv'd again to put the same in execution this year: That *du Mont* by many repeated Oaths had sworn he would do it; yet he, the Prisoner, fear'd that if he were not present, *du Mont* would not so exactly observe his Orders, and therefore he was resolv'd to go along with *du Mont*, asking *Leefdale*, if he would be of the Party, who answering, that he would, the Prisoner discours'd to him at large of all Particulars concerning the Design, and afterwards brought him to Monsieur *Barbesieux* and *Chanlais*.

That *Chanlais* in one of the Conferences held upon that Subject, told *Leefdale*, the Prisoner being by, That a great Reward should be given him, the Business succeeding; that *Barbesieux* and *Paparell* had both of them knowledg of the promised Rewards.

K. J. acquainted with it.

That he the Prisoner, with the said *Leefdale* and Colonel *Parker*, went to *St. Germain's* on the 16th of *April* 1692. to speak with the late King *James* about the said Design, who had knowledg of it, and to take leave of him before they began their Journey: That the Prisoner had Audience at the same time of the said King *James*, the late Queen being present; King *James* telling him, *Parker* has given me an Account of the Business; if You and the other Officers do me this Service, you shall never want: and *Parker*, the Prisoner, and *Leefdale* entred into a Discourse about this Design.

That *Du Mont's* Wife deliver'd to Monsieur *Barbesieux* several Letters, which she receiv'd from her Husband whilst he was at *Hanover*; and the Prisoner continuing his Correspondence with him all the said time, he engag'd *Du Mont* by Letters, especially those dated the 20th and 25th of *April*, and the 12th of *May* last, to come from *Hanover* to a Rendezvous at *Uden* in the Country of *Ravesteyn*, in order to take a final Resolution with the said Prisoner and *Leefdale* concerning the manner of executing their Design: the Prisoner pressing *Du Mont* to hasten his Journey, for fear the King of *England* should have occasion to repass the Sea; the Prisoner adding withal, That he should be mad if he fail'd in his Business.

The manner of the Assassination laid.

That the Prisoner, with *Chanlais* and *Leefdale*, were agreed in what manner the Assassination should be committed on the Person of his Majesty, viz. That when the King should ride along the Lines, or should go out to take any View, or when the Army should decamp, that *Du Mont* should lie in Ambuscade, and when his Majesty should pass within 100 Paces of him, he should then fire upon the King; That

Chan-

Chanlais (to whom notice was to be given before of the time) should be with 3000 Horse at the Duke of *Luxemburg's* Grand Guard; That the Prisoner had told *Leefdale*, there would be no danger for him, since *Du Mont* had a Secret to charm Peoples Eyes, and at all Adventures they two would keep with those who follow'd the King; and when every body was pursuing after *Du Mont*, they should have time to escape and save themselves, and carry the Account to Monsieur *Chanlais*; and it little concern'd them whether *Du Mont* should be taken or not, provided they could escape themselves: That the Prisoner and *Leefdale* receiv'd their last Orders from *Chanlais*, who told them he was going to *Mons*, and that they should stay for him there.

That the Prisoner and *Leefdale* went from *Paris* the 17th of *April* last, and arrived a few days after at *Mons*, having waited some time for Monsieur *Chanlais's* Arrival; and finding he did not come, they resolv'd to go forward to the Rendezvous by the way of *Brussels*: That the Prisoner, as they were travelling on the way, told *Leefdale*, that their Design taking place, the Alliance among the Confederate Princes would be broken; that the Princes concern'd would each of them recal their Troops, and the Country being thereby left without Soldiers, the King of *France* would easily make himself Master of it, and King *James* would be restor'd again.

That the Prisoner with *Leefdale* went to the Mayery of *Boisleduc*, and was apprehended at *Eyndhoven*.

And whereas this horrid Design is contrary to the Laws of God, of Nature, and of all Nations, and ought for the deterring of others from the like Machinations to be punish'd with the greatest Rigour: The said Court-Martial, having with mature deliberation examin'd and consider'd the whole Matter, have thought fit to judge and declare, as they do hereby declare, the Prisoner to be Guilty of High Treason, and do condemn him to be drawn on a Sledg to the Place of Execution, there to be hang'd on a Gallows; to be cut down before he be dead, his Body to be open'd, and his Bowels taken out and burnt; his Head to be set upon a Pole, his Body to be quarter'd, and the four Quarters to be hung up where his Majesty shall think fit. And do further declare all his Estate to be confiscated, and condemn him to bear the Charges and Costs of this Trial. Given and pronounc'd in the Head Quarters of the Army under the Command of his Majesty of *Great Britain*, by the Earl of *Athlone*, General of the Horse, President; the Lieutenant General *Van Scravenmore*, and Lieutenant General *Talmash*; the Marquis *de la Forest*, the Heer *Van Weede*, Count *Noyelles*, and the Heer *Zobel* Majors General; and the Brigadeers *Churchill* and *Ramsay*; *Cornelius van Wou*, and *Richard Uthwayt*, Judges Advocates assisting, at *Lembeck*, the 11th of *August*, 1692.

A Design
contrary to
the Laws
of God and
Nature, and
all Nations.

Signed,

ATHLONE.

And lower,

By Order of the Court-Martial,

Thomas du Val.

In pursuance of the Sentence above-mention'd, the Chevalier *de Grandval* was executed in the Camp on the 13th day of *August*, 1692. All that he said at the place of Execution was to recommend himself to the Prayers of those that were present; but the same morning before he went to Execution, he writ this following Letter.

Du Camp de Halle, ce 13 Aout, 1692.

From the Camp at Hall, Aug. 13. 1692.

Mademoiselle,

Grandval's
Letter.

JE vous prie d'aller trouver Monsieur l'Archevêque de Rheims, avec Monsieur Jourduil, & faire connoître au dit Seigneur Archevêque, qu'il m'en couste la vie, pour avoir obey aux Ordres de Monsieur de Barbesieux. C'est la grace que vous demande votre serviteur,

De Grandval.

Voyez Monsieur le Marquis d'Arfy, qu'il contribue à faire prier Dieu pour moy.

A Mademoiselle Juré, rue Trevelle, vis à vis de la rue des deux Escus, près de l'Hostel de Soissons, à Paris.

Madam,

I Pray you to go to the Archbishop of Rheims, with Monsieur Jourduil, and to let the said Archbishop know, That it costs me my Life, for having obey'd the Orders of Monsieur de Barbesieux, which is the Favour desir'd of you by your Servant,

De Grandval.

Speak to the Marquis d'Arfy, That he take care I be pray'd for.

To Madam Juré, in the Trevelle-street, over against the Street of the Two Crowns, near the Hostel of Soissons, at Paris.

Upon the occasion of this Letter, it will not be improper to take notice of a Passage that happen'd some days before *Grandval's* Condemnation, since it has so great an Agreement with the said Letter, and may serve to explain it, if it needed any clearer Light; which is as follows.

Barbesieux
a principal
Promoter.

One discoursing with the Chevalier *Grandval* in Prison, and observing he sought to justify himself upon the Orders he had receiv'd from the Marquis of *Barbesieux*, he told him, tho that was in it self a very weak Excuse for being engag'd in a base Action, yet still it might prove so much the worse, as that it was like enough Monsieur *Barbesieux* would disown that he gave any such Orders, or that he was any ways concern'd with him in a Business of this nature. To which *Grandval* reply'd, Let him deny what he pleases, yet if I were put upon it, I would make it appear very plainly; for I have an Original Paper under Monsieur *Barbesieux's* own Hand, which I have lodg'd with a Friend of mine, who will not part with it to any one but my self, and no body else knows with whom I have entrusted it.

Re-

*Reflections upon the late horrid Conspira-
 racy contrived by some of the French Court, to
 murder his Majesty in Flanders :*

Printed in
 1692.

*And for which Monsieur GRANDVAL, one of the
 Assassins, was executed.*

HERE is a Plot with a Witness! fully enquir'd into and prov'd, and the Traitor punish'd : Nor has Providence left the least colour for Enemies to cavil about the Truth of a Conspiracy to take away his Majesty's Life, when the Conspirator himself has oblig'd us with an ample Confession of his Crime. It's but seldom, that Designs against the Lives of Princes come to be believ'd, till the Execution of them puts them beyond doubt ; and for the most part, the World is inclinable enough to suspect, That something lies hid under every Discovery that is said to be made of Treason, until the Blow actually given, puts too late a stop to their Incredulity.

*The Plot
 fairly
 prov'd.*

But this French Assassin, tho he has with a Courage worthy of a better Cause, paid down his own, for a Design to take away one of the most illustrious Lives upon Earth ; yet, it seems, he durst not trust the eternal state of his Soul to a Jesuitical Equivocation at his Death, but chose rather by a free, open Confession, to disoblige his Masters that set him on to perpetrate the Villany, than to venture so great a leap in the dark, with a Lie in his mouth. If this Man had been pardon'd on the Scaffold after this Confession made, there want not some of that good nature, as to have stamp'd the Character of a sham Plot upon the whole Affair, and to have turn'd it into ridicule, as they do every thing else that reflects upon their Party.

*Grandval
 confesses it.*

Good God ! What a dismal Character must a certain great Prince in Europe carry with him to Posterity ! And how many indelible Blots must stick to the Escutcheon of his Triumphs ! Those illustrious Villains of Antiquity, that have eterniz'd their Names by turning the World upside down, and who have written their own Epitaphs in Letters of Blood and Horror, they may be reckon'd but ill by halves, if compar'd with the Rivals of this Age. If it be any satisfaction to the miserable Inhabitants of the Shades below, not to have done on Earth all the ill they might have done ; then sure Attila, and the rest of those barbarous Heroes that over-ran the Roman Empire, may have something to value themselves upon, for not being altogether so cruel as some of their Successors have been.

*Reflections
 on the Frs
 Kings.*

The Goths and Vandals broke out of those Bounds that Nature seem'd at first to have set them, and carry'd Fire and Sword to Countries to which they had no imaginable Pretensions : These Scourges of Mankind laid in Ashes the superbest Edifices and fruitfulest Territories of the then known World, and this merely to satisfy an unquenchable Thirst after Conquest. In all which, a neighbouring Nation has imitated them in the Age we live in, and the Copy has at least surpass'd the Original. Let us search back into all the Histories that are left us, of those mighty Irruptions of barbarous Nations, upon the then civiliz'd Parts of the World, and we shall not find one single Vestige of a Baseness among them, equal to that which is the Subject of this Paper. Where, or whenever was it, that the Goths, Vandals, or Huns, imploy'd Assassins to cut off by Steel or Poison, any of the Generals that came, or the Princes that sent them, to oppose the Torrent of their Arms ? All the Dangers their Enemies had to encounter with, were the ordinary Chances

*The Barba-
 rity of the
 Designs.*

of

of War, and it was only in the Field of Battel that they ran any hazard. This new way of making War among Princes, by suborning Ruffians to assassinate an Enemy in cold Blood, was reserv'd to the Age we live in, and to the memorable Reign of *Lewis* the Fourteenth: and it has oblig'd the World with a new *Æra* of time, which may be nam'd by those which come after us, *The Age wherein Assassinations came first to be in use among Princes.*

The Providence of God towards the 3 Nations.

They deserv'd to be reckon'd among the unthinking Croud, or were strangely blinded with prejudice, that have not observ'd a surprizing Chain of happy Providences, that encircled these three Nations all along since the late Revolution; so that our Preservation from time to time, may be esteem'd the peculiar Care of Heaven, in spite of our own Follies, and of our Enemies Malice. In every Scene that has open'd to us these four years past, there have been imprinted such unusual Characters of the Divine Care to support this Government, as upon serious Reflection, may put both Atheists and Enemies to the blush. In short; if it were proper here to enlarge upon this Subject, it might easily be made appear beyond contradiction, 'That the best-laid Contrivances of our Enemies abroad, the Intelligences given them by those at home, our own Mistakes, the seeming crossness of Winds, Weather, and Tides, with many other odd Accidents, have all of them concur'd together, one step after another, to our Preservation.

Our late Victory at Sea was an astonishing Instance of this: 'A Victory, the best tim'd, the nearest to have escap'd us, and of the greatest Consequences, all things consider'd, that ever this Nation had; and a Victory, in fine, that at one blow defeated all those vast Designs of our Enemies, that were just upon the breaking in upon us, and secur'd to us our own Country, and the Dominion of the Seas.

The singular Providence of God in the Circumstances of the late Sea-Victory.

Yet even this mighty Action was attended with such irresistible strokes of the Divine Watchfulness and Care, that every Turning of the Tide, every Change of Wind, and every Storm at Sea for the space of six weeks together, did co-operate to our Successes. I shall never forget what the Gentleman that had as well the chief Glory as Command in that Action, was pleas'd to tell me a few days after it happen'd, 'That above twenty different Accidents, all of them out of the Power of Man, or the Sphere of his Designs, did concur to the obtaining of that Victory; of which, the want of any one of them had unavoidably lost us the Opportunity. Adding, 'That every Change of Wind and Tide, from the mouth of the River to the place of Battel, seem'd as design'd by Heaven to concert the meeting of the two Fleets at that very critical moment they happen'd to meet; and which was yet the more remarkable, if they had not fought that very day, they had not fought at all, the Orders for Monsieur *Tourville's* returning to *Brest*, coming to him within a few hours after he was engag'd.

The King's Courage and Intrepidity.

But of all the benign Providences that have attended these Nations these four years past, none carries more remarkable Characters in it, than the reiterated Preservation of his Majesty's Person, amidst the many open Dangers, and secret Practices he has been expos'd to. One might think his Enemies had but little reason to put their Invention on the wrack how to carry him off by secret and indirect means, considering how familiar the greater Engines of Death are to him every day; and how unweariedly he courts all Occasions to meet them in the Field. But this illustrious Life is too mighty an Obstacle to the Designs of the French King (as Monsieur *Grandvall* expresses it) to allow his Enemies any satisfaction to see it expos'd in every Rencontre to the fury of Cannon, and arm'd Battalions, unless to those they add ignoble Attempts to take it away by the hand of a Ruffian. As the French King's fondness of his own Life denies his Enemies the hope that he shall one day descend into Battel, and perish (which was the foretold fate of a King much of his own stamp) and by so doing, give that Peace to Europe in dying, which he never suffer'd it to enjoy while alive; so that boundless Intrepidity of the King of England, which gives us the greatest fears, one would think might give him some hope, since he sees never Prince bids fairer every day for Death or Victory.

Cardinal Mazarine's Observations on the House of Orange.

The Conduct of the late Cardinal *Mazarine* deserves admiration in all respects; but the Measures he observ'd himself, and left to his Master at his Death, with reference to the Family of *Orange*, seems to have proceeded from a wonderful foresight, that nothing then in being could naturally lead him to. It was the young Prince of *Orange*, now King of *England*, then under the lowest Circumstances of his Fortunes, and at a time when nothing could be expected to make them better, but a Miracle; that this great Politician employ'd a vast share of his Thoughts to keep

keep him low, and to strengthen and foment a Faction that had made him so. During the first year of his Ministry, the Family of *Orange*, it is true, was in a Condition to give Jealousy to the Court of *France* in the Person of a brave designing Prince, who was not only in possession of all the Places his Ancestors had enjoy'd in a mighty Commonwealth, but was plac'd near the Lustre of a Crown, by marrying a Daughter of *England*.

But this Rising-Sun was soon set, and Death put a stop to his hereditary Thirst of Glory in the very beginning of his career, leaving a Son yet unborn to wrestle with the unkind Misfortunes of a sinking Family.

It was then indeed that the House of *Nassau* deserved rather the compassionate Regards of all the Princes of *Christendom*, than to be the Object of their Envy and Fear. Then it was that a Family, which had eterniz'd its Name by raising a great and rich Republick out of a small plank of the *Spanish* Dominion, and under whom all the Nations of *Europe* came to learn the Art of War for a hundred years together, did undergo an Eclipse, and such an one, as in the Opinion of all the World was to put an end for ever to its wonted Lustre.

He that will but be at the pains to consider the dismal Scene that usher'd in the present King of *England* into the World, with all the mighty Bars that stood in his way to hinder him from ever making a figure in it worthy of his Ancestors; and at the same time will gather together all the rising Changes of Fortune he has since undergone, all the things he has done, is a doing, and like to do, must of necessity conclude, That either Providence has brought about all these extraordinary Events to no purpose (which methinks is a thought unworthy of the Divine Goodness and Wisdom) or that the Prince, who is become such an astonishing Instance of the Care of Heaven, must be he that shall redeem *Europe*. He was brought into the World many Weeks before his time, and nothing but mourning for the Father was to be seen in the place where the Son first saw light. A full Moon pass'd over before it could be almost said he liv'd, and every minute, for several months together, was expected by all about him to be his last.

The Circumstances that attended the K's Birth.

By his Father's untimely Death, and the heat of a prevailing Party in *Holland*, he came into the World despoil'd of all the great Offices and Power his Ancestors had born in that State; and the Royal House of *England*, whose Blood mix'd so near with his own, was likewise sunk with the Monarchy it self. Under these unpromising Circumstances of Fortune, did the Prince of *Orange* draw his first breath; and the same unlucky Scene that usher'd him in, continu'd to bear him company till the two and twentieth year of his Age, when Heaven rais'd him up in a moment, and by such surprizing Steps, that after Ages will hardly believe, to put a full stop to a conquering Enemy that had brought his Country to the brink of Ruin; and at the Age he could scarce write Man, to deliver that Commonwealth from the Jaws of Destruction.

What other astonishing Greatness this Prince has risen to since, has already reach'd the four parts of the habitable World: and it's in him that at this Juncture all the Designs a-foot, for vindicating the Liberty of *Europe*, do center.

It's hard to say, whether this Greatness of the King's be more pleasing to the rest of *Christendom*, than it's displeasing to *France*: This is certain, that they look upon him 'as the only Obstacle to the Designs of the *French* King, and that upon his Death the Confederacy would break, and the *French* King would render himself Master; to give it in Monsieur *Grandval*'s own precise words. This has put the Ministers of *France* upon a Design that must render their Memory infamous to all Ages, and of which their Master must expect to have a share.

The King's Greatness displeasing to France.

The Design in short was this: 'Monsieur de *Louvois*, the late chief Minister of the *French* King, had concerted with Colonel *Parker*, and one *du Mont*, to assassinate his Majesty; but when, and after what manner it was to be done, is not yet made publick. Monsieur de *Louvois* dying, his Son Monsieur *Barbesieux* succeeds to his Place, to his Credit with the King, and to the inglorious Design against the King of *England*'s Life, the Plan of which his Father had left him in Writing seal'd up in his Cabinet. The new Minister, to accomplish a Villany his Father's Death had at first render'd abortive, employs in it Monsieur *Grandval*, in conjunction with *du Mont* and *Parker*; promises by *Grandval* to *du Mont* 20000 Livres of Estate, and a Knighthood of St. *Lazar*; and to *Grandval* himself to make him a Duke, and to give him an Estate proportionable in case the blow succeeded; and all four, with Monsieur *Paparell*, Paymaster General to the *French* King's Army,

The History of the assassinating Design.

Grandval, du Mont, and Parker the 3 chief Persons employed.

my, and Madam *Maintenon*, the *French* King's She-Favourite and Counsellor, do agree together the manner in which the Assassination should be done, viz. That *du Mont*, after having entred himself into the Confederate Army, should take his Opportunity when his Majesty went to visit the Grand Guard, or the Lines, to shoot him behind his back, and thereupon make the best of his way to a body of Horse *Grandval* and *Parker* should have in readiness upon a previous intimation to rescue and carry him off. Thus prepar'd and thus encourag'd, the three Champions of Villany part from *Paris*, *du Mont* for the Confederate Army, and *Parker* and *Grandval* to that commanded by Monsieur de *Luxemburgh*. The two last wait with impatience at the Grand Guard night and day (to give it in *Grandval*'s own words, according to the *French* Copy) to hear from *du Mont*, and doubtless the Court of *France* waited with the same impatience every moment for the arrival of the Courier with the long-wish'd for News of the fatal Blow.

Du Mont
disappoint-
ed of his
Design.

The Design
renew'd
again.

Heaven took care of the preservation of *Europe*, that did depend so visibly upon one single Life; and whether *du Mont*'s heart fail'd him, or whatever else was the Cause, after some weeks Attendance without being able to effectuate his Design, he retires to the Court of *Hanover*: and thus the year 1691. passes over without a red Letter in the Calendar to denote the murder of a King. This Disappointment had no other influence on the *French* Court, than to set them on with the more eagerness to prosecute this Campaign, 1692. that, in which they had fail'd the year before. *Grandval* and *Parker* return'd to *Paris*, and are again set on work by *Barbesieux* and the rest of the Cabal, among whom Monsieur *Chanlais*, Quarter-master General to the *French* King, comes now first to appear; and Monsieur *Leefdale*, formerly imploy'd in the States Service, is acquainted with the Design, and seems to go into it: *Grandval* continues to keep Correspondence by Letters with *du Mont*, and *du Mont* with him and *Barbesieux* both, by means of *du Mont*'s Wife at *Paris*. In the end, the Assassination is again resolv'd upon, *du Mont* is to perpetrate it, Monsieur *Chanlais* is in Person to assist *Grandval* to rescue *du Mont* upon his doing it; and in order to the whole, a Rendez-vous is appointed at *Uden* between *Grandval*, *Leefdale* and *du Mont*, whither *du Mont* was to come from *Hanover*, and the other two from *Paris*: *Parker* at the same time coming for *England*, and they for *Flanders*; after all the three having taken leave of an unfortunate Prince at *St. Germain*s, where they receiv'd from him all the Encouragements that were in his Power to promise them in the hearing of the *Italian* Queen, who perhaps would have miscarry'd, if such a Crime, so futable to her Genius and Country had been carry'd on without her having a share in it; and who, no doubt, hop'd to succeed better in this, than she had done in *Jones*'s, whom she had sent over to *Ireland* two years ago upon the like Errand.

The Discovery
made
by Leefdale
and du
Mont.

The whole Plan being thus ready for Execution, Heaven once more warded off the Blow by *Leefdale* and *du Mont*'s Discovery about one and the same time, and by the taking of *Grandval* in his way to *Uden*; and thus the Court of *France* fail'd in their inglorious Attempt to take away the Life of a crown'd Head by the hand of a suborn'd Ruffian. Upon all which I shall confine my Reflections to a few Heads, and that with all the respect that may be possibly due to two Persons of the first Rank among Men, that have stain'd the Lustre of their Birth with so foul an Action.

The horrid-
ness of As-
sassination.

What a horrid Aspect the Crime of an Assassination carries with it among all the civiliz'd Nations of the World, the common Consent of Mankind puts out of doubt: It may fall out, and indeed but very seldom, and perhaps not twice in the Revolution of a great many years, at least in these Climates, and at this distance from the infallible Chair, that such a base kind of Revenge may come to lodg it self in the breast of some one noted Miscreant, who has thrown off all the common impressions of Humanity, and whose thred of Life bespeaks him a Monster in human Shape, or a Prodigy of Wickedness. None else but such a Creature as this, will be found among the innumerable Ranks of Men capable of so black a Crime; and when any such dismal Accident falls out in the World, we look upon it with the same Horror and Amazement, that we do upon the most frightful eccentrical Phænomena's in Nature: The Perpetrator of this kind of Villany falls not only unlamented, but Death it self, that buries our Resentment of most other Crimes, is not able to protect him from our Execrations even in his Grave. If we look back to the few Attempts of this nature noted down to us in History (and but few they are) we shall find they went no further for the most part than the breast of one single Villain; and if at any time Accomplices were brought in, they were but

but one or two at most ; so rare a thing it is to meet with any numbers of Men together of that Diabolical Temper.

But, good God ! how fertile is the Court of *France* in this monstrous species of *France* Men ! Instead of one or two Persons capable of so foul a Design, they can make *fruitful in* up the number of thirteen at one dash. A Baseness of this nature us'd in former *Monsters of* Ages to lodg only with some of the lower herd of Mankind, who have little else to distinguish them outwardly from Brutes, but the Shape : But here we have Men *Great Per-* of the first Quality among Subjects, of noble Birth, of a liberal Education, and *sons privy* in the greatest Posts in the Government of their Country ; Monsieur *Louvois* and *Barbesieux*, first Ministers of State, and the close Confidants of all their Master's *to the De-* Designs and Secrets ; Monsieur *de Luxemburgh*, Duke, Peer and Marshal of *France*, the first Commander of the *French* King's Armies, and by his Mother, of the noblest Blood in *Christendom* that wears not a Crown ; Monsieur *Rabenac*, and *Bedall*, both employ'd in the most difficult Embassies ; Monsieur *Paparell* and *Chanlais* in the greatest Employments in the Army ; and Madam *Maintenon*, tho of no Quality, neither by her own Birth, nor by her former Husband, yet of nearest access of all Mortals to the *French* King's Person. These, and no meaner People, do stoop to so low and ignoble a Plot, when it makes for the Glory, or for the Interest of their Master ; and, which I would willingly bury in silence, it's not only they, but others of a yet more elevated Rank among Men, that have thrown off all sense of Honour and Humanity, to come into it.

If the assassinating of a private Person carries with it such an horrid Idea, how much does that of a Prince, and set on by Princes ? The greater the Persons be that either contrive, or against whom the Contrivance is made, still the greater is the Villany ; and how far the Ministers of *France* may alone lie under the weight of so great an Infamy, may be worthy our Inquiry.

1. The *French* King had all the reason in the World to stand behind the Curtain *The Fr. R.* when such Engines were a playing, and not to appear barefac'd on so foul a Stage. *privy to it.* If Monsieur *Barbesieux* thought it not fit to venture to speak to *du Mont* himself, for fear his Reputation might suffer in case the Assassinate was seiz'd (as *Grandval* has told us) how much more reason had his Master to be cautious in so nice a point ? There is a common decorum that he has not yet thought fit to throw off, with reference to Enemies of his Majesty's Rank ; and he that above all Mortals is most in love with every shew of Glory, had been the weakest Person alive, if he had neglected all possible Circumspection in this Affair.

2. But secondly, There was not the least Temptation or Necessity for him to appear either to *Grandval*, *du Mont* or *Leefdale* (who were the only Persons that have been examin'd) or indeed to any of the Conspirators, except *Barbesieux*. No body in their right Wits will open themselves in so cursed a Design as this was, any further than as absolute necessity obliges them : And here it was enough that *Barbesieux*, his first Minister, receiv'd the Proposals, concerted the Matter, and promis'd Rewards. There are Cases every day in all the Courts of *Europe*, wherein Ministers treat with Spies, and such like Men ; and do both give and promise Rewards to them without their Master's appearing in it : How much rather in any business of so tender a nature, and in a Court where the first Minister is known to be intrusted with the greatest Rewards, and the most uncontrolled Power in disposing of them ? *Barbesieux* one of the chief Promoters.

3. It was sufficient to concert and set afoot the whole Design, that Monsieur *Barbesieux* treated immediatly with *Grandval*, and by him mediately with *du Mont*. *His acting in it by* *Grandval.* *Barbesieux* refus'd to treat personally with *du Mont*, for fear of his Reputation in case he was seiz'd, that part being committed by him to *Grandval*. So that whatever came of *du Mont*, who was to have the greatest part, if not all the hazard, *Barbesieux* thought his Honour safe, as never having spoken to him about it, and having *Grandval* interpos'd betwixt them. Was it not as reasonable then, that whoever put *Barbesieux* upon the Design, and gave him Orders or Leave to prosecute it, should use the same method as to all the rest of the Conspirators, except *Barbesieux*, as *Barbesieux* was to do with them all but *Grandval*, to discover himself to none, but to him to whom he must of necessity do it ?

4. Whoever reflects upon the Train of the late Monsieur *Louvois*'s Life and Actions, will not be able to trace any Vestige of so much ill Nature and Baseness, as was necessary to put him originally on so black a Design. He had acquir'd, during the whole course of his Ministry, the Character of a Man of some Honour, and was known to have endeavour'd what in him lay, to moderate the violent courses of the *Monf. de Louvois's Life and Character.*

Against the
Persecution
of the Pro-
testants of
France.

Court, and particularly with relation to the Protestants, in which Matter he and the late Chancellor his Father had some Differences that could not be kept secret. So that all the harsh Measures that Monsieur *Louvois* went into, were look'd upon as the effect of his Compliance with his Master's Temper and Inclinations, and not of his own ill Nature.

Protestant
Women to
have only
Popish
Midwives.

To instance this in one Particular; when that unparallel'd Edict was in agitation in the Council, *Forbidding all the Protestant Women to be brought to bed by any but Roman-Catholick Midwives*, *Louvois* appear'd against it; and nothing could bring him to change his mind, but his Master's rising up with his *Je le veux*; after which there was no more debating. Monsieur *de Louvois* being then a Gentleman of no ill disposition, it's both unjust and unreasonable to think he could be brought into a Conspiracy to murder a crowned Head, tho ever so much an Enemy to *France*, out of any other Principle, than that of a desire to please and obey him on whom his Fortune depended; and every body knows that Favorite saw no body in *France* greater than himself, except his Master.

Barbe-
sieux his
Character.

But, 5. can it enter into any reasonable man's Thoughts, that Monsieur *Barbesieux* could be the original Spring of the Motion after his Father's death? Who knows not that *Barbesieux* is both a very young Man, and a young Minister, and one that is rather in the quality of a Clerk or Privado to the *French* King, than a Counsellor, tho trusted with his Secrets? And indeed he is the Favorite Minister rather for his Father's sake, who was one of the best Servants ever Prince had, than for any Merit he has yet acquir'd of his own.

Who the
first Contri-
vers.

6. It's not to be imagin'd that either *Louvois* or *Barbesieux* durst have ventur'd on such an Action without a higher Command; since whatever should come of it, whether the Blow was given, and the Assassins come off, or taken and put to the Rack, it must have necessarily come to be discover'd who set them on, and thereby they two must have ventur'd their Court with the King, if not their Heads; since he would be oblig'd, for the common Rules of Decency us'd among Princes, to disown both the Action and them. Let us judg then, if Men of ordinary Sense, or acquaintance with the World, would have embark'd themselves in so hazardous a Bottom, unless they knew before-hand the Action would be so well relish'd by the Master, as they might be able to pin upon him the Care of their Safety after it is done.

The Grand
Monarch
concern'd
in it.

The Power
of the first
Minister in
France.

7. Tho all I have said to this purpose carry'd no weight with it, yet the Great Monarch will not be believ'd, not to have been very deeply engag'd in a Business of so vast a Concern, when it's found, that not only his First Minister of State, but the chief Commander of his Armies is in it. In the common opinion of the World, founded upon Custom, Whatever a First Minister does in matters that concern the State, especially of so tender a nature as the Design in question is, he is presum'd to do it by Consent at least, if not by the positive Command of his Master. This obtains every where, but more especially in the Court of *France*, where the Premier Minister does transact the greatest Affairs himself, and does write the King's Name to Orders of the greatest Consequence, both to Generals at Sea and Land, without the King's own Hand: So that an Order under the Minister's Hand, carries with it a natural Supposition that he has consulted the King before he signs it; and thence it is, that it receives as punctual Obedience as if the King had sign'd it himself. But notwithstanding this, the Power of the Premier Minister has its own Bounds, that every Man in the Government knows how far it goes. And none employ'd in this Conspiracy could be so silly, as to believe *Barbesieux* had power of himself to promise *Grandvall* to make him a Duke, or to give him an Estate proportionable. Rewards and Honours of so high a nature, are only in the King's own Breast to give; and except the King knew of it, we must suppose that *Barbesieux* and *Grandvall* were not only Knaves, but Fools, the one to promise, and the other to expect them.

The French
King's
Character.

8. There is another Reflection to this purpose, which I am willing to mention with all the tenderness due to a crown'd Head. The *French* King has acquir'd to himself by a great many Actions, the unlucky Character of a Prince that makes no difficulty to step over all Laws Divine or Human, when it makes for his Glory or Interest. His behaviour towards his Protestant Subjects, in spite of Fundamental Laws, and solemn reiterated Oaths to the contrary; his swearing to so many Treaties of Peace with his neighbouring Princes and States, and breaking them almost as soon as sworn; or rather, his swearing them with a design to be the better able to break them, do bear so ill a face, as may make all the Nations about conclude, That a Design which should oblige the Confederate Princes to recal each of them their Troops out of *Flanders*,

ders, and by which Flanders being left without Soldiers, the French King might make himself Master of it, and the late King James be restor'd (to give it in Monsieur Grandvall's own words) carry'd with it such forcible Temptations as were not in his power to resist.

9. Madam Maintenon's part in this Affair, affords a shreud suspicion against her great Benefactor. This Woman, from being the Wife of a poor deform'd Burlesque Poet, has risen to one of the first Places of Confidence about the French King. If there were any such thing in Nature as Charms or Filtres to incite Love, it's to the secret Force of them, that thousands in France would be apt to impute this unaccountable Friendship and Intimacy betwixt Scarron's Widow, and Lewis the 14th. It were hard to assign any other Cause that should oblige the proudest Monarch upon Earth to lay aside all his Glory and Pomp, to lock up himself above four hours every day in the closest Conversation, with a Creature that is now Mistress of no other Charms but that of Wit. No mortal has more frequent or nearer Opportunities to know his Genius and Temper; and every body will allow her more Sense than to embark in so nice a Business, without she knew before-hand that it would please him: nor is it to be dream'd that she has so little Zeal to preserve her self in his favour, as to venture upon that which she might easily think would oblige the French King, if he himself were innocent, to sacrifice her to his Honour. And indeed, not only she, but the rest must be accounted down-right Fools, if they had ventur'd upon this Conspiracy, without a natural foresight, that unless they had their Master's Approbation, they might come to run the Fate of the Amalekite that brought to David the Head of his mortal Enemy.

Madam de Maintenon's Character, and part in this assassinating Design.

And this leads me to one Reflection more, that must certainly cast the Scale, in the opinion of all unbiass'd People, and which I doubt not but at this very day is the determining Point that all Europe has in their view with respect to this Affair. Here we see are concern'd two Persons of the nearest access to the French King, and in his closest Confidence, Monsieur Barbesieux and Madam Maintenon; here is concern'd his greatest General, on whom he has laid the weight of his Fortune in this War, the Duke of Luxemburgh; and here are two other Persons of considerable figure in his Army, Paparell and Chanlais: And to bring up the Reer, here are two Persons employ'd in his Embassies abroad, Bedal and Rabenack. It's in the face of the Sun, and to the Conviction of all Christendom, that all these Persons are prov'd to have manag'd a Conspiracy to murder the King of England. Now if the French King knows himself to have had no Influence on this Affair, we are certainly to expect that by this time they are in the last Disgrace with their Master; and that for tainting his Service with so black a Crime, contrary to the Law of Nations, and all Rules usual among Princes, they are at least for ever banish'd France. There is no other means left now but this, to persuade the World of the French King's Innocence: But if at any time hereafter we find that all these Persons, or any of them, are continu'd in their wonted Favour and Employments, then all the Nations of Christendom will take leave to conclude, That these Conspirators did no more but comply with the Commands of one they durst not disobey. And that herein there is no hardship put upon the French King, I appeal to all the Princes of Europe, Whether or not, in case any of their Ministers were found to conspire the Murder of another Prince, tho ever so much their Enemy, they would not inflict at least that Punishment, which we may well make the Test of the French King's Innocency in this Plot of the Marquis of Barbesieux.

Reflections on the whole.

None of the Persons concern'd in the Design censur'd or punish'd by the Fr. K.

To sum up this Enquiry, it's worth observing, That in the printed Account there are a great many things relating to this Conspiracy omitted, which his Majesty, for some Reasons of State, or perhaps out of a Principle of inimitable Generosity, has thought fit not to make publick: For in the French Copy it's said, with respect to the Circumstances of that Design, *On n'en mettra pour tant que tres peu icy*; Of which we shall mention but a very few here. This Intimation is given us when it comes to mention Leefdale's Deposition; and it is not to be doubted, but this Gentleman being heartily resolv'd all along to discover the Villany, he would omit no occasion to pump out all that possibly he could learn relating thereto, in his conversation with the Conspirators. So that whatever Provocations and personal Injuries the French King has done his Majesty, it seems a greatness of Mind forbids him to expose his Enemy all he can.

Things omitted in the French printed Account.

Leaving the French King to wash off from himself, the best way he can, the Blot that must stick to his Memory in this horrid Attempt, I can't omit to add to this, some remarkable Passages never hitherto made publick; by which the World may

see the Temper of our King, and the Unjustness and Ingratitude of some of his Enemies.

A remarkable Instance of the King's Generosity to the Fr.K.

About ten Years ago he receiv'd a Letter from an unknown hand, who yet gave himself a Name, in which he offer'd to deliver *Europe* from all her Fears, by destroying the *French* King; he desir'd only a safe Refuge in *Holland*, and a small Subsistence, much less than he should leave behind him in *France*. He desir'd an Answer might be writ to him, and left with the Post-master's Wife at *Paris*; and about a week after he writ a second to the same purpose. The first Letter came to the then Prince of *Orange* at night, at *Loo*; and Monsieur *Dykvelt* happen'd to be with him; so he shew'd him the Letter, and desir'd him to go to the *Hague* immediately, and deliver that Letter to Monsieur *D' Avaux*, who was then the *French* Ambassador to the States. Monsieur *Dykvelt* made such haste, that he was with Monsieur *D' Avaux* next morning, and gave him the Letter (and the second was likewise sent to him) He receiv'd it with great Acknowledgments of the Prince's Generosity, and sent the Letter to *Paris*. The Post-master's Wife being examin'd, said, That one had come several times to call for a Letter; but he not coming again, she was order'd to go about *Paris* and see if she could know him again: One was taken up who she believ'd was the Person, and was put in the *Bastile*; he happen'd to be a Protestant, which no doubt made the Court of *France* to like the Discovery the better. But when some of the Parliament came to examine him, and to confront him with the Woman, she, when she view'd him nearly, and heard him speak, own'd that she was mistaken, and that he was not the Man: so after a little while he was dismiss'd, and came into *Holland* upon the general Persecution of the Protestants.

Another Instance of the King's horror to all assassinating Designs.

By these Circumstances it appears, That the Court of *France* believ'd that this was a real Design, and no Contrivance thrown out to try the Prince's Temper. But another Instance shew'd, that the King looks on Propositions of this kind with so much horror, that he thought that which on all other occasions was the most Sacred with him, I mean his Word, did not bind in this.

A few days after the King came to the Crown, an unknown Person writ to the L. B. of S. That he had a Proposition of great Consequence to make to the King, if he should have his Promise that he might do it safely. This the King allow'd the Bishop to do; so he writ to him by the Name and Method that he had given. When he came to him, he told how long he had liv'd and serv'd in *Versailles*, and how well he knew all the Method of that Court; and at last he came to offer to kill the *French* King. At this the Bishop started up immediately, and said, He thought the King was too well known for any to dare to come with such a Proposition; he hop'd he himself had been also so well known, that none should have made it by him; he was sorry that a promise was given of Safety, but he bid the Rogue be gone immediately. When he gave an account of this next day, the King thought he had carry'd the matter of the Promise too far; for no Promise was to be understood to relate to such Crimes; and therefore he wish'd that the Bishop had seiz'd on him, and order'd him to be sure to do it if ever he could set eye on him again.

But since this is so noble a Head, and so suitable to the Courage, as well as to the other great and truly Royal Qualities of our Glorious King, I will give some more Instances, which shew how little he deserv'd of the late King that he should encourage so black an Action.

The King's behaviour towards the late King.

When he came first into *England*, he understood as he came along, that some began to talk of proceeding against King *James* his Person; and he desir'd him that acquainted him with this, to find out who they were that held such Discourse, for he would suffer none of them to stay about him.

And it appear'd very evidently at *Windsor*, how firm he was to this Resolution: for when he had the late King in his hands, and that many advis'd him to keep him safe, at least till *Ireland* were reduc'd, if not to the end of the War, some proposing his own Town of *Breda* as a fit Place; he said, *Those Advices might be perhaps both safe and wise, but he could not follow them; for whatever he might do in the way of War, he could not bring himself to do any thing personally against him.* And he not only gave the Guards that waited on him publick Orders, but secret Directions to leave him at full liberty, as appear'd by the Event.

Another Instance will shew, not only how far the King is from the possibility of hearkning to all black Propositions, but even to indirect ones, when the Persons of Princes may be endanger'd by them.

When

‘ When the late King was in *Ireland*, a Proposition was made by one that had serv’d him, and lov’d him, that he thought might put an end to the War. He sent it to the King by the B. of S. it was this: He moved, That a Third-rate Ship well man’d, and well commanded, might be sent to St. George’s Channel; and that when they should come near *Dublin*, they should have Orders to declare for the late King, and send him a Message about it; which he who made the motion, and that was to go along in the Ship, said he would be one of those that should carry it. He did not doubt but that upon the Invitation King James would presently come aboard, and then they should sail away with him: But he added two things, the one was, That they should have Orders not to bring him to *England*, or to make him a Prisoner, but to carry him either to some part of *Spain* or *Italy*, and there to set him ashore; the other was, That he should have ten thousand Guineas consign’d in the Ship to be given him in the place where they should land him, that so he might not be in too naked a condition. When the King heard all this, he said it look’d plausible, and he verily believ’d it would take; but without taking time to think on’t, he said he would not meddle with it. He hated Tricks, and would be in none: Besides, the late King if he came aboard, would bring some of his Guards with him, who without doubt would offer at some resistance, when they saw themselves catch’d; upon that a Disorder might arise, and some of the Seamen might perhaps knock King James on the head: therefore he would go on in a fair open way, and trust to the Providence of God while he maintain’d his Integrity. These Instances will shew in how different a Mould the King was cast, from those who can either contrive or encourage the detestable Practice that is now by the good Providence of God discover’d.

A further Instance of his abhorrence of all treacherous Designs.

But to the Conspiracy it self. How far it went before Monsieur de Louvois’s death, we know no more by the printed Account, than that it was concerted, and that du Mont was to be employ’d in it. But there are undoubted grounds to believe it has been of an old date, and that more were concern’d in it than Monsieur de Louvois and du Mont. That there was one Jones employ’d to murder the King, both here before his Majesty went to *Ireland*, and when he was there, the intercepted Letter of Tyrconnel to the late Queen, and a Journal of other Letters found at *Dublin* in a certain Closet, leaves us no ground to doubt. The most material steps that were made in it after Barbesieux came to the Ministry, the printed Relation is pretty clear and exact.

One Jones employ’d to assassinate the King.

In the whole management of this Affair, the French Court has shew’d with a deep cunning the blackest Treachery against a Prince, whom their King pretends to protect.

The first and inmost Wheel of this Motion is not to be seen. The next is Barbesieux, and he appears not to du Mont who is to give the Blow, and to run the most apparent hazard of being seiz’d and brought to a Confession; but treats only with Grandvall, who is to share the least in the Danger, and is in less probability to be seiz’d, and he alone is to treat with du Mont.

Again, Barbesieux pretends to inform Grandvall of a personal Injury done him by the King, no less than the ordering his Father to be poison’d, for which he said he might now be reveng’d; and even to this he uses only the soft word, he suspects it. The reason of his pretending this, is only to cover the horror of the Design as to himself, with the notion of a personal Revenge for the murder of his Father; and uses no harsher word, than that he suspects it, to the end that Grandvall might not lay so much stress upon that story, as to lessen the true Motives he was to act upon, which Grandvall tells us himself, was, because his Majesty was look’d upon as the only Obstacle to the French King’s Designs. As for the ridiculous Story it self, it were an officious piece of folly for any one to take further notice of it; the Monopoly of poisoning is to be left to the French Court that deserves it best, for the great Improvements they have made of late years in that Art.

Specious but false Pretences for carrying on the assassinating Design.

The French Court’s management with regard to the Assassinate du Mont, is a continued thred of Craft, and the poor Wretch is cheated in the whole Tract of it; he is to kill the King, and thereby run an almost inevitable hazard of being either kill’d on the place, or taken and hang’d. But since no body will venture on such an Action without some hopes of getting off, they feed him with a fine Project of having 1500 Horse the first year under the Command of Grandvall and Parker; and 3000 the next under Monsieur Chanlais himself, to rescue and bring him off. This is all stuff, and in the opinion of every body that understands any thing of War, was next to an impossibility, and it is strange that he could not see through it; but it seems the

Du Mont made believe he should be safe.

Du Mont
was to be
sacrific'd at
any rate.

the Impression of 20000 Livres of Estate, and a Knighthood of St. Lazar, had intoxicated him so, as to shut up all the other Avenues of his Soul. The French Court made their account, that *Du Mont* must be sacrific'd, which is one of the Reasons that *Barbeseux* uses so much Caution with him; and *Grandvall* tells *Leefdale* plainly, That it little concern'd them whether *Du Mont* was taken or not. But this is not all; the miserable Creature is to be shamm'd out of his Life, which way soever the matter went. Upon his succeeding in the Attempt, he must either happen to be seiz'd, or to escape; if seiz'd, he is sure to be hang'd; if he escapes, and comes back for his Reward, it's not to be doubted but he was to be hang'd likewise, 'and that merely to blind the World with a Notion of the French King's Abhorrence of the Act; *Du Mont* having nothing to shew for his Warrant, and *Grandvall* being the only Person that had treated with him, and that was in no Capacity to keep him harmless. It's true, We find that by means of his Wife, *Du Mont* had sent several Letters to *Barbeseux*; but *Barbeseux* was better advis'd than to write him Answers himself, that being left to *Grandvall* to do: So that all along *Barbeseux* is safe for any thing that *Du Mont* can say of his personal treating with him; and thus there is no imaginable way left for the Assassinate to escape the Gallows, whatever comes on it: for either he must be hang'd, if taken by the Confederates; or if he escape their hands, he must be sacrific'd to a piece of Pageantry of the French Court.

False Sto-
ries and Re-
presentati-
ons made to
Du Mont.

The King
never uses
Armour.

But the French Court, tho they were resolv'd to sacrifice *Du Mont*, they take all care possible he shall not fail in the Attempt: As they put him on the Action it self with the hopes of great Rewards, and of being rescu'd and brought off, so they put him on to do it in the manner that was least likely to miss: they tell him a false story of the King's wearing a Coat of Mail; or rather, a Waistcoat of Mail under his Clothes, as it's in the French Copy; and *Barbeseux* is the Person that invents this, and commands *Grandvall* to tell it to *Du Mont*. The reason of this story is, That *Du Mont* might not betake himself to the *Poynard*, which they foresaw would be more difficult, as requiring nearer Access to his Majesty's Person, and likewise was not so certainly mortal; but to let him see the Necessity of using Fire-Arms, that kill at a greater distance, and surer. When in the mean time the French Court could not but know, That his Majesty does so far neglect all such Precautions as a Coat of Mail, that the Prayers of those about him could never prevail with him to part with, or so much as to cover his Blue Ribbon or Star in Action. There is yet another Artifice us'd with *Du Mont*, to make sure of him. It was reasonable to suppose, from his abandoning the Design the year before, and his retiring to the Court of *Hanover*, that he might entertain some scruples about the Feasibleness of his being rescued by Persons of no greater Figure or Command, than *Grandvall* or *Parker*: Therefore it is agreed upon, that one in a greater Post, and who is known in *France* to excel in the art of taking up Ground for a Camp, or laying an Ambuscade, should now command the Party that was to rescue him; 'and that instead of 1500 Horse, 'headed by *Grandvall* and *Parker* the year 1691, there should be 3000 employ'd to 'that purpose the year 1692, under the Command of Monsieur *Chanlais*.

The Treachery of the
Fr. Court
to King J.

But the Carriage of the French Court in this Affair, towards the late King *James*, is a Master-piece of Craft and Treachery. Here it is, that it were almost to be wish'd, that there were a Curtain drawn over that part of the Stage, where this unfortunate Prince comes to act so unnatural and so affrightful a part. That any one that ever fill'd the English Throne, should be capable of so Unprincely a Revenge as Murder, is a very mortifying Reflection, and leads us naturally to look back to some shreudly-suspected Events that have fallen out in *England* of late years, which for some Reasons are not now insisted on.

The three
Assassins
wait on K.
J. at St.
Germain's.

As in most of the Transactions of this Prince's Reign, he was impos'd upon by the French King's Designs, and gave himself up to the Measures given him from *France*, which prov'd his Ruin; so now, when under their Protection, they bring him in to cover and own a Transaction so base and horrid, that the French King had not the face to appear in it himself. They so order'd the matter, that *Grandvall*, *Parker*, and *Leefdale*, should wait upon King *James*, and receive his Approbation of the thing, with Promises of Encouragement; and this is not done till the whole Design had been fully concerted before-hand. It was fit the Murder of the King should pass in the World as a Personal Revenge of King *James*, and that the French Court should lay it upon the Quarrel betwixt those two Princes; tho at the same time they had the chief hand in the Contrivance of it, were to reward the Instruments employ'd in it, and were to reap the greatest Advantages by it. Whether that unfortunate Prince was sensible of this Trick put upon him, or whether his eager

eager Desire to see the King taken off, gave him no leisure for Reflection, it's hard to determine: This is clear, that he thought himself no ways oblig'd to use the Precautions that even *Barbesieux* had done; since that after his speaking to *Grandvall*, according to the Words in the printed Account, *he was pleas'd to entertain Parker, Leefdale and him, all together on the same Subject*: for in the French Copy 'tis said, *Qu' alors il a aussi parlè avec le dit Parker and Leefdale, de cette Affaire*; At the same time *He* (meaning King *James*, and not the Prisoner *Grandvall*, as in the English Translation) spoke likewise to *Parker and Leefdale about that Affair*.

The Treachery of the French Court towards King *James* in this Business is deep and black: All the World lays his Ruin at the French King's door; and it's to the Measures he gave him, that he owes the loss of three Crowns. The least amends could be made him for all this, was an honourable Retreat in *France*; yet that this is granted him only on the account of their own Interest, appears in a great many Instances, and particularly in the Part they bring him in to act in this Conspiracy. If there had been true Friendship and Kindness meant him, they would never have put upon him a Necessity of making himself known in so foul a Design to three Persons all at once; but would have at least allow'd him the Precautions that *Barbesieux*, if not the very same that one of his own Rank thought himself oblig'd to observe.

But this is not all; In bringing King *James* to own this Business, the French Court did him the last Offices of an Enemy. Instead of promoting his Re-accession to the Throne, they did more at one dash to shut it for ever against him, than all that his Enemies could have thought of. With what horror must the English Nation have been struck, to see a Prince that had recover'd them from the brink of Destruction, and expos'd his Person so often for their sake; to see him, I say, murder'd by the bloody hand of a Russian! And with what Execrations and Cries for Vengeance, against both Actors and Contrivers of such a Villany! Could the French ever imagine, that the way for King *James* to regain the Hearts of the three Kingdoms, which he had lost by his endeavouring the Subversion of their Laws and Liberties, was to hire three Parricides to murder the only Person that had secur'd these to them?

If the sight of *Cæsar's* Bloody Shirt had so wonderful an Influence on the Roman People, that *Brutus* and *Cassius*, his Murderers, whom the very day before they had honour'd with the glorious names of *Liberatores Patriæ*, The Saviours of their Country, were thereupon forc'd to fly *Rome*, and seek Sanctuary elsewhere from their Rage; what just Resentments would not the dismal News of our British *Cæsar's* Murder, and the sight of a Queen, and such a Queen, in Tears, have kindl'd in every English Breast, against the Perpetrators, Contrivers, and Abettors of so horrid and cursed a Crime?

The Case indeed is vastly different betwixt the Roman *Cæsar* and ours: The anti-ent Frame and Constitution of *Rome* was subverted by the one; and the restoring to *England* its first and best Constitution of Government, is wholly owing to the other. Let us judg then, if the Murder of *Julius Cæsar* was so much resented by the Romans, that nothing but the Blood of *Brutus* and *Cassius*, two Men, otherwise excellent, and once their Darlings, could appease their Wrath, and all this, because, 'tho *Cæsar* had enslav'd *Rome*, yet he was brave and vertuous; How much more deeply resented would the Murder of a King have been, 'who instead of enslaving his own Country, had sav'd both it and ours; and whose Bravery and Vertue is equally the Admiration and Envy of his Enemies; and this procur'd by a Prince whom we had but too many Reasons before not to love or wish for?

Thanks to Heaven the fatal Design has miscarry'd! but still the Guilt and Infamy remain: And we are either the most insensible, or the maddest People that ever was, if this one Action of the late King's, tho there were no more, don't stamp upon us an indelible Impression of that dreadful condition we should fall into, if ever 'thro the Anger of Heaven, or by our own Follies, we should come again under 'the Power of a Prince of this Temper, and capable of such Actions.

But how little Regard the Conspirators had to King *James's* Rewards or Interest, yet for whose sake, and upon whose Promises of Recompence it was they acted, appears evidently by their own Confession: 'It was 20000 Livres of Estate, and a Knighthood of St. *Lazar*, that *Du Mont*, and it was a Dutchy that *Grandvall* expected; and none of all these in *England*, but in *France*, and promis'd them by French Ministers. As their Rewards were to be in *France*, so the Motives which wrought upon them, were those which regard the French King and his Greatness; and for the Restoration of King *James*, that came in only by the by, and in consequence

quence of the other. So then, tho the late King was as forward as any of the rest to come into the Conspiracy, yet it was upon the *French King's* Credit, and for his Interest alone, that both *Grandvall* and *Du Mont* were persuaded to engage in the Business.

What further remains necessary to be taken notice of with respect to this Conspiracy, shall be done in as few words as possible.

The Design
press'd on by
Grandvall.

Religion
the principal
motive
for assassi-
nating the
King.

We find that upon the Rumour spread of some Disorders in *Scotland*, which would oblige his Majesty to cross the Seas again, *Grandvall's* patience was almost at an end, which puts him upon hastning *Leefdale* with this Expression, 'Dear Friend, we are like to lose our Fortune; I beg of you that we may go away immediately.' He had swallow'd a Dutchy already in his Thoughts, and was impatient till he was put in possession of it, by succeeding in his Errand to *Flanders*. But his going into the *Jesuits College* at *Brussels* on the Road, to beg that God would bless their Undertaking, was, after all, a clear Demonstration, that one principal Motive that had been suggested to him to murder the King, was the account of Religion: For when was it heard, That an Assassinate, set on by a mere personal Revenge or Interest, had the Impudence to beg the Assistance of God Almighty to an Undertaking of that kind? This is a convincing Argument, that he thought God's Glory was concern'd in an Attempt to take off a heretick Prince that stood in the way of his Master's Designs. We know how far of late years the Court-Divines of *France* have carry'd their casuistical Doctrine, to patronize the very worst of Actions, where they tend to the Glory or Interest of the *French King*. In several of their printed Theses they have positively asserted, 'That an Action in it self morally ill, becomes good, if the Intention be to serve the King, or extirpate Heresy. No wonder then, that a Person of *Grandvall's* Temper, and embark'd in such an Affair, should embrace a Notion of Divinity that might set his Conscience at ease in what then he was going about.

Monsieur
Maureau's
Character.

Made En-
voy from
Poland to
the States.

In the printed Account we find Monsieur *Maureau*, Envoy from *Poland* to the States, is mention'd, 'as one that kept a close Correspondence with *Bedall*, and by his Means with the Court of *France*; and are told, that by the help of these two, the *French Court* manag'd their choicest Correspondence in *Holland*. It may not be altogether improper to give some hint what this *Maureau* is, and from thence we may observe the subtle management of the *French Ministers*.

This is a Man of extraordinary Parts, and an unbounded Ambition. He was formerly one of the three extraordinary Provincial Treasurers of War in *France*, which place he kept about eight years together. In the year 1682 (if I mistake not) he was arrested, together with *Arnauld* and *Talon*, his two Collegues, *Pour avoir diverti une grande somme des deniers du Roy*; in plain English, *For having robbed the King of a vast Sum of Money*. All three were carry'd to *Amiens* in order to be try'd for their Lives before Monsieur *d' Bretuell* the Intendant; but before they were brought to their Trial, *Arnauld* prevented his Judges, by killing himself in Prison; the other two were found guilty, but at the Solicitation of Monsieur *Louvois*, whose Creatures they had been, they were only sentenc'd to be banish'd for ever the Kingdom of *France*, and to have all their Estates confiscated. Whereupon they retir'd into *Holland*, where some time thereafter, by the means of Monsieur *Bethune*, the Favourite of the Queen of *Poland*, *Maureau* was made Envoy from that Crown to the States. Now, who could have imagin'd that a Man thus banish'd, ruin'd, and affronted in *France*, should become one of the two Persons, that the *French Court* employ'd to manage their choicest Correspondence in *Holland*? This seem'd yet the more improbable, because *Maureau* was noted for exclaiming in all Companies, and on all Occasions against the *French King* and his Actions; insomuch, that it was wonder'd at by every body, how a Man employ'd in an Embassy from a neutral Crown, came to shew so openly his inveterate hatred against *France*, without the least reserve of good Manners.

It appears now, that all was but a sham to carry on with less Suspicion his Intrigues with the Ministers of *France*. And in gaining a Man that they had so sensibly disoblig'd, and who of all others was in least hazard of being suspected by the States, the *French* have given us a remarkable Instance, both of their Cunning, and of the Means and Power they have to corrupt Men into their Interest.

It may perhaps be expected that a Character should be here given of the rest of the Conspirators; but the Conspiracy it self lays it sufficiently open, what sort of Men they must needs be that could enter into it. Only this may be further said of them in short; Monsieur *Bedall* is the Son of a Merchant in *Paris*, who has since been

been ennobled in Sweden, under the Title of Baron of *Alsfield*. He has all his Lifetime been but little oblig'd to Fame, and ever pass'd for a Man capable of any sort of Villany, that might serve to make his Court, or raise his Fortune.

Monsieur *Paparell* was born and educated a Protestant, and chang'd his Religion to ingratiate himself with the Court, being look'd upon as guilty of a great many gross Immoralities in his Life, and one that adores no other Divinity than that of *Lewis* the Great.

Monsieur *Chanlais* has ever till now appear'd a Man of more Honour than most of the Court of *France* are; he passes for a Man of Intrigue and Parts, and was thought a fit Person to be employ'd the last year to manage an Accommodation betwixt the *French* King and the Duke of *Savoy*: But it seems he has at length sacrific'd his Reputation and Vertue to an irregular Ambition, and a Desire to please his Master.

As to our *English* Champion, *Parker*, his Character is well-known here, and is very apparent by the villanous Part he has acted in this Conspiracy. But there is one thing relating to this Man's share of the Plot, that must not be pass'd over in silence, and which brings us to look back to the time in which this Villany was to be executed.

It was thought strange, that the *French* were no earlier in the Field this Spring, considering that their greatest Advantage lies in being able to draw their Forces out of their Winter Quarters sooner than the Confederates, for the most part, can do. But they were resolv'd this year to play all their Engines at once, 'The *French* King was to be in *Flanders*, *Namure* was to be besieg'd, King *James* was to land in *England*, and his Majesty was to be murder'd, all about the same time. To nothing else, but the concerting all these Designs together, can the Delay of the *French* King's Journey to *Flanders*, from day to day, for more than six Weeks together, be attributed.

But there is this yet to be further remark'd, That at the same time that *Grandvall* and *Leezdale* take Journey from *Paris* to *Flanders*, *Parker* comes over to *England*. We have all reason to remember the great hopes our Malecontents exprest here at that time, and how sure they seem'd to be of some new Revolution. It's true, these People are easily buoy'd up on the least Appearances; and every small Accident that seems to favour their Cause, raises their hopes beyond all Bounds. But about that time, so much Joy and Assurance was visible in their very Countenances, as seem'd to proceed from a fixt certainty they had, of some mighty Success which they hop'd for in their Affairs, that we could not possibly dive into. It's true, the *French* King was in *Flanders*, and King *James* was waiting the first Opportunity of Wind and Tide to waft over his Army into *England*; But even all this could scarce make up more than a Probability, much less a Certainty of Success. His Majesty was already on the other side, and his Army was drawing together from all Quarters to oppose the *French*. Our Fleet was at Sea, and a far braver one it was, than the *French* could possibly send out against us. Whence then could all this Confidence proceed? There must certainly be some other thing in it than we were then aware of.

Parker's coming over at that time, and his corresponding with his Friends here, carries with it a shroud Suspicion of what we may reasonably judg was the Ground of all this Insolence of the Party.—It were folly to imagine he should make publick among them, the Design then in agitation to murder the King: It was too great a Secret to be communicated to many. But on the other hand, it's scarce to be thought, but that *Parker* assur'd his Friends in general, 'That there was some great and certain Event ready then to break forth, that would decide the Controversy; and he might even venture to open the Secret to some of the first form amongst them.

It were harsh, and might seem severe to suppose, that our Malecontents could be brought in, either to contrive or consent to murder his Majesty in cold Blood, tho'tis to be fear'd there may be found among them some more than *Parker*, capable of so much Wickedness: yet it's not to be doubted, but the most part, if not all of them, would have heartily embrac'd the Advantage of such a Conjunction as that which must needs have attended the Blow, and then have satisfy'd their own Consciences and Honour, by putting a Distinction betwixt the Treason and the Traitor. They might abhor that Villany, and yet strive to reap all the Profit they could from it: for it were too severe a Trial of their Vertue to hope they would have chang'd Parties upon such an Accident.

Grand-
vall's Trial
not put to
the Torture.

The King's
Generosity
to him.

Grandvall
manages
the French
King's Re-
putation.

No confessi-
on extorted
from him.

It remains only, that we should take notice of his Majesty's Carriage as to *Grandvall's Trial*. In *Flanders*, and all other Countries where Torture is admitted, never any Assassinate escap'd it but he. It is not look'd upon as a sufficient ground to excuse a Criminal from it, that he voluntarily confesses his Indictment. On the contrary, if there lie probable Grounds of Suspicion of any one as Accessary, that he does not name in his voluntary Confession, the Criminal is put to the Torture, to answer, Whether that Person suspected, be accessary to the Crime or not. Now in this Case, there were the greatest Presumptions that possibly could be, of the *French King's* being concern'd; and doubtless the Council of War (as every body else that's not prejudic'd) were of that Opinion. Yet all this could not prevail with his Majesty to put this Wretch to the Torture, nor was he put so much as in Irons (the Fate of every ordinary Felon) a Generosity without Example!

But that *Grandvall* kept a reserve with respect to the *French King*, in the whole thred of his Deportment and Confession, is very probable. He saw there was no necessity put upon him to confess more than what *Leefdale*, *Du Mont*, and *d'Amours*, either had or could depose against him: He knew they could say nothing of the *French King* in the Affair, and indeed were acquainted with little more than what he himself thought fit to tell them, having lain under no Temptation to name the *French King* to them, tho he had known him to be concern'd; it being enough that what was promis'd them, was in *Barbesieux's* name. Upon all which Considerations, and that he was to die however, and that without any previous Torture to oblige him to a further Confession, he had been a mad man indeed to have needlessly acknowledg'd any thing that might immediately reflect upon his Master, of whose Glory the Action it self, for which he was executed, shews him to have been an Idolater.

There might likewise be another Motive to induce a Man, that knew himself without the Compass of a Pardon, to use some Reserve. He left Friends behind him, and particularly the Lady to whom he writ his last Letter, mention'd in his Trial, who is thought to have been his Mistress; and it was but reasonable to him to hope he might, by observing so great a respect to the *French King* at his Death, oblige him to take some care, both of her, and of his other Relations after he was gone. The Letter he wrote to this Lady, carries with it something of Mystery, and would seem to point towards somewhat of this kind. Sure there was no need for him to desire her to go to the Archbishop of *Rheims*, to tell him, That it cost him his Life for having obey'd the Orders of *Monsieur de Barbesieux*; since his own publick Confession told that, which he might well imagine would be carry'd to all the Nations of *Christendom*, and to the Court of *France*, as soon as to any: therefore it is but reasonable to suppose, that some hidden Intimation was given to the Archbishop of *Rheims* by this strange kind of Letter, which tho we do not understand, the Archbishop himself no doubt does.

I have done with this Paper, and tremble to think, for I am sure I cannot reckon up, what the Consequences of this Assassination would have been, if the Anger of Heaven had, for the Punishment of our Sins, suffer'd it to take its effect. They are much more easy to be imagin'd than express'd. *Minds less black than theirs, who contriv'd it, can hardly conceive what a Scene of Barbarity and Cruelty, of Blood and Horror, must have follow'd upon it.*

Short

Short and impartial Considerations upon the present State of Affairs in Eng- land.

Publish'd
in Nov.
1692.

IT is amazing to consider the strange turns of Providence in the greatest Transactions of humane Affairs, such as the Revolutions of States, and the Changes and Alterations in Governments; which since they are God Almighty's immediate Work, and conducted by him, whose Power nothing can controul, one would think they should receive their Accomplishment all at once, and have their Progress and End answerable to their beginning: whereas we often see on the contrary, that the most glorious dawns of Liberty are overcast on a sudden, the Springs of Actions fall from their Vigor, and grow feeble, the whole Motion becomes heavy and irregular, as if the great Master Workman had met with an impediment, that he could not go on, and was check'd by the unworthiness of those he had begun to appear and act for.

When *Israel* came out of *Egypt*, and their Leader and Deliverer, especially commissioned and appointed by God, had enter'd upon his Charge; when Kings were confounded for their sakes, and the Sea divided to give them passage, and then return'd to its Channel to inclose and overwhelm their Enemies, what could one expect from such a series of Miracles, but that they should have been directly conducted to *Canaan*, as fast as they could have mov'd upon the Wings of Victory, to take possession of a Land, which seem'd promis'd to their Forefathers for that Generation to inherit? Yet instead thereof, we find them led about in the Mazes of a Wilderness, and so long forc'd to wander, till two only of all that vast number, who by their growth and maturity had any remembrance of *Egypt*, were left alive to taste the sweets of *Canaan*; the reason whereof stands upon sacred Record, viz. their Ingratitude towards God, and towards Man: there is interwoven with their whole Story a strange Account, how soon they forgot the Holy One, who was so visibly present among them; to which is added their frequent murmuring against their Leaders, taking upon themselves a liberty to censure them, and lay it as a miscarriage at their Door, if any thing happen'd otherwise than they expected; which was even carry'd to so great a Delicacy, that *Moses* was in fault, if they had not variety, as well as plenty: sometimes the Government was charg'd with being arbitrary, and taking too much upon them, when a few discontented Heads of Families wanted Employments, and grumbled that they were excluded from the management of Affairs. Lastly, they are branded with a faint-heartedness, and desponding of God's Power and Goodness, after so many incontestable Proofs given them of both, which was particularly remarkable after the Spies were return'd from viewing the Land, and had made their Report, which they did faithfully as to the Goodness of the Soil, but pusillanimously as to the difficultys that lay in the way; when only stout *Joshua*, and honest *Caleb* were neither frighten'd themselves, nor terrify'd others, assuring the People, there was nothing that they would not overcome with ease; for what was on their side, was more than what was against them: but they being now strongly possess'd with imaginary Apprehensions, and fondly being impos'd upon, and imposing upon others, they so far lost all sense of Manhood, that they thought it was better for them to return to their old Slavery, than to hazard any more for retaining their Liberty. Their former Cry was, Can God furnish Water, and can he supply us with Bread in the Wilderness? and now it run, Can he subdue these Sons of *Anak*, and destroy such a Race of Giants? There is no doubt but the same Power which had wrought so many Miracles, can

An Allusion
to the Children of
Israel's coming out to
Egypt.

add to the number. There is no doubt but God, who had forc'd Nature out of its Course, can with more ease get the better of Man, however terrible we figure him to our selves. And it is most certain God will do all that he has promis'd; but there is no reason they should expect to see it, who are always diffident, always tempting him, and who omit no opportunity to call his Power in question: but those who had liv'd so long in a constant contradiction to the Divine Will, God set himself at last to contradict them, so that they were gratified with neither of their Wishes; they neither were allow'd to go backward to *Egypt*, nor forward to *Canaan*, but their Carcasses fell in the Wilderness.

The Case of
England
compar'd
with that
of the Is-
raelites.

What shall I say now, that I tremble, or that I rejoice, that our Case in *England* is so nearly parallel'd with that of the *Israelites*? It cannot be disown'd, but that our late Deliverance was the greatest, next to theirs; and it might be equal'd to it, but that ours was from an impending Bondage, and theirs from what they had groan'd under some hundreds of years; neither one, nor the other could be effected by our own strength, or single endeavors; but in the one God appear'd by Miracles, and in the other by extraordinary Providences, which are no less signal marks of his being present among us, as also that this Work is of him, and therefore it shall stand, whether it receives its perfection or not in our days, who I fear are justly to be reproached with all the Folly that *Israel* was guilty of. Can we say we have had any truer sense of what we owe to God for all the Mercies he has bestowed upon us? Have we not rather cast him further out of our Thoughts? Are not our Profanations rather increased? Is not all manner of Leudness and the vilest Debaucheries, which the late Reigns are made infamous for encouraging by great Examples, now carried to a further degree of Scandal, and a higher pitch of Impudence than ever? Are these Morals to draw a Blessing upon a Nation, or to procure Assistance from Heaven?

Murmur-
ers a-
mong us.

Have we not likewise among us the Murmurer, the Discontented, the Envious, and the Busy-body? I don't speak now of the profess'd Enemies of our Establishment; for they tho they are with us indeed, and barefac'd too, yet they are not of us, they have separate Principles, and separate Ends; and therefore perhaps one may be tempted to wonder at our Patience, if they should be suffer'd much longer indistinguishably to mix with us: I mean such as have no disguise for their ill Affections, but dare publicly rejoice at what all honest men look upon as a national Calamity, and openly repine at, or undervaluingly lessen all our Successes. Is it not yet time to renounce any further Society with those, who have chosen to worship other Gods, and live in a publick Profession of it, especially since their Conversation has no other tendency, but to inveigle and delude the unwary, till they can find an Opportunity to confound and destroy all? A People must fall unpitied, who take no care to secure themselves against an intestine Enemy, that uses no care to conceal himself. I thought there was nothing so sensible as to be despis'd; I am sure nothing is more visible, than that we are contemptibly treated by these People, and they that have a faculty of bearing it long, are at last thought to deserve it; but I hope our Government is not under such a degree of Impotence, as not to have the means in its hands to vindicate it self: therefore I don't pretend to concern my self with such as these, whom I leave to the Laws that are already made; or if they are too weak to restrain them, to such as shall be thought fitter, hoping that no partial Considerations inclining to favour some particular Persons on other accounts, shall obstruct any vigorous Resolutions to support the Dignity of the Government, and firmly to provide for the publick Safety.

The Persons
aim'd at in
this Dis-
course.

The Persons whom I now speak of, are of a far different sort, whom I look upon as Friends still, tho they may be grown cooler upon some melancholy Reflections, as if their Deserts were not enough taken notice of, nor their Services rewarded. The Notion they have entertain'd of Liberty, won't allow them to think it safe, unless the Conservators of it are exactly according to their Standard: the Remembrance of what some of them may have suffer'd in former Reigns, inclines them to forget that an Act of Grace has pass'd since; and therefore they don't consider, that when the Consent of a Kingdom has drawn a Veil of Oblivion over past Miscarriages, it is then Un-Gentleman like, if not odious, to have too good a memory. They are too rigid Examiners of the Mistakes of those, that are not in their good Graces, and at the same time overlook perhaps as gross Faults in those whom they honour with their Friendship, which yet detracts from the Credit of (what they would pretend to be) Reformers, and discovers that they are animated by the narrow Spirit of a Party. They only contemplate and expose the frail side of those

those they don't affect, and won't allow the Ballance to be laid before them, of the Good and Evil they have done, to make a proportionable abatement according to Prudence and Equity. They would introduce a Maxim, than which nothing could be more unjust, nor more unfitted for the Condition of human Life, which is a state of Weakness and Recollection, viz. That no subsequent Behaviour can expiate for any past failings; which, God be thanked, is not agreeable to Divine Justice, and ought therefore to be suspected, as far as it departs from that Rule. They are so enamour'd with their own Capacity, and so fully satisfy'd that theirs is the proper Talent for business, that they think it is being injurious to the Publick, not to imploy them in the way they would propose: and to possess a Place, which they conceive would better become themselves, or to enter into a Concurrence with them, are Crimes irremissible. They don't pry, but rake into the Actions of great Men, as if they had an Interest they should be faulty, and were to share in the Forfeiture or Composition; for they are not sanguinary but by accident, as they may be heated by Opposition, otherwise those that have been represented for the blackest Offenders, and even Subverters of Fundamentals, they can be contented that their demission should be their Punishment.

Maxims of
the discontented
Party.

Thus Guilt sticks to places of Profit and Credit, as the Jewish Leprosy did formerly to the Walls of the Houses; and you must go out of them, to get clear of the Infection: But tho these are Obstacles to the Repose of a Country, which keep it in a constant Vibration, that it cannot find its Center of Settlement; yet since these Passions don't fall upon the stupid and unthinking, I hope the good sense of those who are at present unluckily bias'd by them, will restrain them from sinking the Vessel in which themselves are imbark'd; tho the Helm be not committed to them, I promise my self, that Persons of Understanding and Knowledge in the World, will rather find out means to recover the Ground they seem to have lost, than be obstinate to make their ways more slippery, till they are carry'd upon a Precipice, where the next step must be inevitable Ruin. Their Experience will teach them, they ought to be contented to share the Favours of the Government, without ingrossing them; and that when a Nation is unhappily divided into Parties, whose Numbers are pretty equal, and their Interests diametrically opposite, it is then the greatest kindness to each, as well as the concern of the whole, that neither side should be put into the power of the other, but that Matters should be manag'd by ballanc'd Counsels, as Foreigners are try'd *per medietatem Linguae*.

Places of
Profit the
great matter of
Discontent.

They cannot be but now convinc'd, that a censorious stiffness is only adapted to Plato's imaginary Republick; but Insinuations, proper Condescensions, and reasonable Compliances, are the Qualities that recommend at Court, as they do indeed in all other Conversations and Friendships: for that Man must live alone, who will be always imposing his own Sense as a Law, who never speaks but to cavil and find fault, and never hears but to contradict; and his Advice will be rarely askt, who does not allow a liberty not to follow it, tho it be found defective and mistaken. They easily see that a King of ripe Years and mature Judgment, won't bear being put back again into Pupillage; nor long understand it as a Service, to be advis'd to clip the Monarchy, to make himself great. When the Jews towards the latter end of Samuel's judging them, having no good Opinion of the Duumvirate of his Sons, who seem'd design'd to succeed him, desir'd a King after the manner of the Eastern Nations, which were the Countries about them; Samuel fairly laid before them, what were then the Rights of those Monarchies, and what they were to expect under them; that such Princes would command the service of their Persons, and of their Cattel, as their Occasions requir'd either; that they would dispose of their Daughters and young Men into their several Palaces for the uses of their Family, and others they would place in their military Chambers to be imploy'd in their Wars; that they would be Masters of their Lands, and perhaps sometimes make Presents of them to their Eunuchs and Favourites, as we see practis'd in those Countries to this day, where a despotick Form of Government is so establish'd by the most antient Prescription, that tho they sometimes change their Princes, and setup others, without regard to the strict Rules of Succession, yet even in those Cases they never yet thought of altering the Maxims of their Government, and accommodating them more to private Interest, by way of Composition with the Successor; but when they give the Crown, they give it with all its Ornaments and inherent Rights, as thinking them indivisible from it. Nor do we find that the Jews made any Exceptions to the declar'd Prerogatives of those Monarchs, or offered

Reasonable
Compliances
necessary.

Character
of an Eng-
lish King.

ferred any Limitations or Restrictions for their peculiar exemption; but without other Capitulation they still pressed, they might have a King like to their Neighbours.

So the People of *England*, when they were justly apprehensive of falling under a Foreign Yoke, which neither we, nor our Forefathers could bear; we then begged of Almighty God that we might have an *English* King, that is, one who should govern us according to our Laws, and not set his own Will above them, who should neither invade our Property, nor lay snares for our Liberty, but should protect both without respecting of Persons, and to that end take care of an equal Administration of Justice; who should maintain the Religion established, with a tenderness to those who cannot bring themselves to a Conformity to it; and in short, one in whose Reign Justice and Mercy should meet and embrace, Charity and mutual Forbearance should grow in request and be promoted, and Industry and Honesty should have nothing to fear, but every thing to hope for.

Now praised be our God, who has heard our Prayers, and given us a King and Queen, that are the Patterns of Innocency and Moderation, who have no divided Interests from their People, and can have no Designs but to make them united and happy. We have a Prince, who according to the most celebrated Precedents of the best of his Predecessors and Ancestors, is always ready to go out with our Hosts, who upon all occasions exposes his sacred Person, and a Life that is so precious to us, because there are no other means left to preserve us from the devouring Jaw of an overgrown Enemy: It is his Presence only, and his Credit which can form an Opposition to prevent the Ruin of all *Christendom*, and the setting up another Universal Monarchy, under which we are sure to be the worst and most inhumanly treated. It is for him therefore that the Net is spread, and all the Machinations that Hell can invent are put in practice to extinguish the Light of our Eyes, and to stop the Breath of our Nostrils.

Malice of
France.

The Ministers of *France*, from Father to Son, make Court to their Master, by contriving or receiving Projects of all sorts of Murders, Poisons and Assassinations, pointing all their Malice against one Crowned Head; being assured, that if ever it takes place, they shall effect what the bloody Emperor only wished, and at one blow cut off the whole Force of *Europe*. Ought we not therefore on our side gratefully to consider what we owe to such a Prince, not only for undertaking our Deliverance at first, but that ever since he has declined no Hardships nor Hazards to procure our Safety and Security? Will it become us to add to his Difficulties and Troubles, by our querulous Humours, and giving him occasion to think, that after all we suspect the Sincerity of his Intentions? Should we not rather jointly endeavour to make the Crown sit easy, where we have so deservedly placed it? Should we not be as tender and zealous for what relates to the Head, as for any thing that concerns the Body? Or is it more than Justice to give unto *Cæsar* the things that are *Cæsar's*? Who is not satisfied that these are some of the undoubted Prerogatives of a King of *England*, that he should have a settled Revenue fit to support his Dignity, so that he need not be obliged to have recourse to his Peoples Aid to live as a King, but only for the extraordinary occasions of the Kingdom; that he be allowed freely to chuse those he will advise with, and please himself in those he will be served by? And if we cannot bear an Abridgment of these Privileges in a private Family, much less ought they to be repined at in a Sovereign. I don't say, that any ought to be exempt from answering for any enormous Crimes, provided it be not made one, to be a Counsellor or a Servant in Credit with the King, who otherwise, I think, as *St. Paul* pleads for the Labourers in the Gospel, ought to be had in esteem for their works sake; and I cannot but say, they would be very unfairly dealt with, if they should be pointed out, and stand as Marks for Envy and Malice, only for being capable by their Genius, Assiduity and Abilities, to share the Cares, or soften the Toils and Chagrins, that are inseparable from Royalty.

The Character
of the timor-
ous Party.

There remains yet a third sort, who ought not to be passed over in silence, for I fear their number is much more considerable than the former, tho that is all that can be considerable in them; and those are the Timorous, the Dispirited, the Unactive, and the Over-credulous always to their own Disadvantage: such as these keep us out of *Canaan*, and retard our Settlement, not by any assistance they give our Enemies, for they are not capable of acting either way, but by casting a damp and discouragement upon the best of Causes, and by withholding the Divine Assistance, which is never given to those who will not help themselves: To the daring and confiding, God says, Be it according to your Faith; but to the fainthearted Wretch, Be it according to your Fears. They retain indeed the Shapes of Men, but they de-
mean

mean themselves, as if they were of the Race of *Issachar*, made to bear Burdens, and couch under them; they seem to know the Blessing of Liberty, and were it to cost them but a Wish, they would not be without it: but they don't enough reflect that in proportion that any thing is valuable, it must be purchas'd at a higher Price; they don't look abroad, and see, that in other Countries, they have thought their Freedom from a servile Subjection well bought at the Expence of infinite Treasure, of Streams of their Blood, and the Continuance of a War from Father to Son. These People hunt after all Reports, and are always doubting of favourable ones, but are struck if any thing goes ever so little amiss; they think every Disaster is decisive, and that a Cause is lost whenever the Enemy gets any Advantage.

We read in the *Roman History*, that when the Chance of War turn'd against them, as it did sometimes with a terrible Reverse of Fortune, some of their Generals could not bear to survive a Disgrace; but according to the Bravery practis'd in those Times, the Death they could not meet with in the heat of Action, they were Authors of to themselves in cold Blood, as thinking it more becoming them, to keep Company with those who died in Battel, than with those who fled from it: But others of them, who had a righter Notion of the many Turns and Accidents in human Affairs, and consider'd that Men ought always to strive, and expect that one happy Day should repair the Injuries of another, did all they could to make the best of a Retreat, to rally their scatter'd Troops, and bring them into places of Safety, to be ready for another Trial; and these the Senate always complemented, for that they did not cast off all Hopes, and despair that the Commonwealth should ever recover the Loss.

The World is a Scene of variety of all sorts, there is always a Succession of Clouds and Sun-shine, a chequering of Successes and Misfortunes, that no body need to despair; but the Brave, the Diligent and the Persevering will have their shares of prosperous Events, as they must now and then bear the unlucky ones. Those only are mark'd out for Ruin, who basely desert themselves, cast away all means of their Defence, and the utmost Necessity cannot make them Valiant. In an Army it is certain that every Man is not a-like stout, nay the difference is vastly great; some have a natural and original Courage, which prompts them (as one may say) to fall on without Officer or Drum; they have a Heart to attempt any thing, and a Resolution to die or conquer: others only have a copied Courage, and are brave by Imitation, they are animated by great Examples, and ashamed to stay behind, when they see their Companions push on so vigorously: there is a third sort, that as a noble Poet of ours formerly observ'd, would be Cowards, if they durst; they can't well bear the Face of an Enemy, but when they consider, if they turn their Backs, they ignominiously fall upon the point of an Officer's Sword, the more prevailing Fear makes them keep their Ranks, stand their Ground, and they make a shift to kill their Man *se defendendo*, because they can avoid it no longer. The Case of our Poltrons in the State, if they consider it aright, is not unlike to these in an Army; they would fain be safe themselves, and upon that Condition they would hurt no body else; but they don't see that it is now too late for any such Composition, there is no Medium left, but to contend or perish; all they can otherwise hope for is to be Prisoners at Discretion, that is, to have their Persons and Estates at the mercy of those who know none, to be given up to such who have the *English* Name and Liberty in the greatest Aversion, who will content themselves with nothing less than to tyrannize over Body and Soul. Do you think you have a *Julius Caesar* to deal with, who had the Generosity to declare, and the Faith to keep his Word, that whoever did not oppose him, he would look upon him as of his side?

What is more obvious, than that if you don't maintain your present Liberty, you fall into the hands of one, who, tho his Intentions were ever so good, won't have it in his Power to perform any thing that is now promis'd to lull you asleep? for he must be anothers Servant, when he is your Master. Tho I don't well see what any one can promise himself from his good Nature, if he were the Master of it, who in his Declarations set out to prepare his way, and dispose People towards him, publishes his Pardons with so many Exceptions, that almost every Man must think himself excluded from the benefit of them. Those who bungle and are awkward in giving good Words and making fair Promises, when it is palpable they are intended only to cajole and amuse, do leave but an ill Impression of their Address and Skill, and none at all of the soundness of their Purposes to perform what they would

*Practise of
some Rom.
Generals.*

*Effects of
natural
Courage.*

*K. J. has
it not in his
Power to
perform a-
ny good
Promise.*

The dismal
Consequences of K. J's
Restoration

would be understood to oblige themselves to: or is it that Insincerity, for all its Tricks and Grimaces, is not allow'd to speak out and plain like Truth? The Magnanimous only know how to forgive, and to shew Pity; but the Fearful and the Bigotted are cruel, both by Nature and Principle. Can he ever return with real Kindness and Affections to a People, of whom he spreads abroad those Complaints that they have so highly injur'd, and deserted him? Won't all the Thanks for his coming back be sent to *Versailles* or *Loretto*, and nothing appear here, but the mark of dire Revenge, with a new Edition of the *Western Amnesty*, to be publish'd in all the Counties of *England*, and another itinerant Executioner dress'd up in the shape of a Lord Chief Justice, be sent down with a Power to hang and ransom whom he pleases? And have we so soon forgot, that if the Covetousness of that bloody Tool had not counterpois'd his Cruelty, scarce any had been left alive in those populous Parts, of those they thought fit to involve under the Names of Harbourers of Traitors, or dangerous to the Government? Will he after what hath happen'd to him, ever think himself safe in the hands of Protestant Subjects or Guards? But must not his Restorers remain here, and fill the Palace and City, upon pretence of his Security? Shall not the Ports and Keys of the Kingdom be deliver'd up to Foreigners? And is not the Navy of *England* to be navigated and commanded by the *French*? When I consider the dreadful Consequences of such a Restoration, I don't know but it may be Charity to wish, that the whole Island should rather be torn up by the Roots by an Earthquake, and be plung'd into the Sea, as the Point of *Port Royal* lately was, than that it should stand upon its Basis, to be so long the Theatre of *French* and *Irish* Tragedies, till every man has his Ears bor'd thro, and the indelible Characters of perpetual Slavery are stamp'd upon all that shall be permitted to survive; Would this be call'd Living? Then so may Damnation too, which is but the unterminable Duration of a miserable Being.

But, God be thank'd, I see no reason to apprehend that we are so near falling into this wretched Condition, which nothing but our own Cowardice, Treachery and Penuriousness can subject us to. I don't pretend to extenuate our Dangers, or vainly to say, there is no ground for our fears. It must be acknowledg'd that God has been pleas'd in our days to raise up a Prince, whose formidable Power is become the Amazement, as well as the Terror of all *Europe*; a Prince, who to the intrinsic Strength he had in commanding over so large, so fertile, so populous, so industrious a Kingdom, hath added to it the Spoils of all his Neighbours, he hath several Armies to act in all the Extremities of his Dominions, with which, and a Chain of fortified Towns on his Frontiers, he hath, as it were, encompass'd himself with a Wall of Brass; he hath a Treasure scarce to be exhausted, which does not only answer all the Occasions at home, of Fleets, Armies, Fortifications, Magazines, Necessity and Magnificence, but has yet enough left to corrupt a great part of the Courts of *Christendom*, and to influence even the Councils of Infidels; he does not satisfy himself to purchase now and then a single Secret, but is able to buy whole sets of Counsellors; nay he hath so much to offer, that Princes themselves, and even Crown'd Heads are scarce proof against it.

Practices
in K. J's
Reign.

Can we not remember when Prorogations and Dissolutions of Parliament were traffick'd for, Compositions made for Neutralities, the Price paid at *Whitehall*, and a Page of the back-Stairs erected into a Treasurer, *quoad hoc*, for receiving this goodly secret Service-mony, which we now feel what a Disservice it has prov'd to the Publick. What we have seen done here, may we not easily imagine to be still practis'd in other parts? Nay, as great as this Prince's Wealth is, his Ambition is yet more endless and unbounded, which neither declining Years, nor growing Infirmities can correct or moderate; he makes War for his Glory, and Peace he calls his Gift, and so he may Plenty too, with a much juster Title; but that he keeps to himself, while all Mankind starves about him, except those only that live upon his Basket. *Europe*, *Africa*, and *America* can give Testimony to the vastness of his Designs, tho they have not equally prosper'd in all Places; and it is not long since that they began to disclose themselves too in *Asia*, but the Climate was too warm for them. What have we seen in a long Reign of forty eight years, but some Princes and States unjustly attack'd, others menac'd, Popes crouching to redeem his Displeasure, the Dispensers of Pardons forc'd to ask one; on the other side, Multitudes of his own Subjects for keeping a good Conscience, first circumvented by strains of Law, then driven out to seek Protection elsewhere, contrary to all Law, Faith and Prudence; Capital Cities bombarded and laid in Ashes for every light Offence, and the Injur'd oblig'd at last to make Satisfaction; Towns surpriz'd

priz'd in times of Peace, without any Provocation given, and for no other reason but that of Conveniency; Princes stript of their Territories, and never more admitted to re-enter, because they were suspected not to incline to his Interests, and their Conduct was displeasing; Provinces ravish'd and dismember'd upon Titles that had been abjur'd; and what before was but an Encroachment upon Neighbors, or devouring by Piece-meals, is now turn'd into an Attempt to swallow all Europe. But what then? must we give up our selves as a Prey, because the mighty *Nimrod* pursues us? If we may say with *David*, that we are surrounded with Enemies on every side, that they gape upon us, and are ready to devour us, can't we take up his Confidence too, and trust that God will deliver us, if we act like Men, and look up to him for his Salvation?

If all great Difficulties must be submitted to, and Force and Violence, for being exorbitant, may not be resisted, then the most heroick of all Virtues, Fortitude, is but an empty Name, which is only conversant about things not easy to be attempted or surmounted; it does not indeed seek Contention, but where it is unreasonably urg'd, it never declines it. In calm and quiet times it gives way to civil and domestick Concerns, and like some *Roman* Commanders, 'tis found at the Plow, or in some rural Occupation, till the Service of ones Country, or the Insolence of an Enemy, rouses the noble Passion, arms it with Anger and Disdain; and then all Opposition is but Food to an aspiring Flame, which it catches at, works it self into, and reduces to nothing. Incredible at most have been the Successes of those, who have taken up a Resolution never to yield; and some from a low Ebb of Fortune have recover'd themselves, and lost nothing, because they were willing to hazard all.

The *Gauls* and *Carthaginians* both over-run *Italy* in their Turns; yet they who prevail'd over an intire State, were baffled by a broken one. We once thought our selves Masters of *France*, when a nick-nam'd King of *Bourges* canton'd in his own Country, recover'd *Paris*, and the whole Kingdom again. What shall we say, that there are stated bounds set to the Rage of Men, as well as to the swelling of the Waters; or that such is the Power of Vigour and Constancy, that it runs an Enemy out of breath, and finds out a weak side, which only long grappling together could discover? The Antients knew not better how to express such a surprizing Change, than by saying their blind Goddess was either wearied or relented; but it becomes Christians rather with Humility to own, that the most reduc'd State is the proper Season for the Almighty to arise, and confound the arrogant Oppressor, and to make it appear that he is a present help in time of need. But tho I have not disguis'd any thing of our Enemies Strength, because I would not abate our Vigilance and preventing Care; yet I am far from thinking that our Case is any way desperate or without resource, if we do but make use of the means that are still in our hands for our Preservation.

In the days of *Elijah* when the *Israelites* were parch'd with drought, and a three years longing expectation of a change of Weather, and that the time of their refreshing was come, the Directions the Prophet gave to his Servant, were, *Arise, go up now, and look towards the Sea*; which he often repeated, reporting at first that he saw nothing, but at last a Cloud began to appear, which soon overspread the whole Face of Heaven. If we after some years Disappointment would cast our Eyes the same way, we should see that which would be no small Comfort to us at present, and what may be yet much more extensive in its Consequences: We may contemplate a Fleet design'd to have surpriz'd us before we were all join'd, and after that to have convoy'd over an Army of *French* and *Irish*, who were to have laid the Kingdom desolate, in order to settle it. I say, we might have seen those fallen into a Pit who have digg'd it for others, surpriz'd themselves to find us better prepar'd to receive them than they expected, and that they could not now retire, till they were beaten, burnt and scatter'd so, as to run to Rocks and Shoals for shelter.

But I shan't enlarge further upon this Subject, because I don't doubt but it is (as it ought ever to be) fresh in every Man's memory; but it suffices me to observe that the *French* are not without their Mistakes and Failings in Conduct, as also that Success is not chain'd to all their Enterprizes. If the Prospect at Land has not been hitherto altogether so pleasant, yet I don't see what there is there to terrify or distract us. That the *French* should now and then surprize a neighbouring Town at the very opening of the Year, is no such startling thing, if it be consider'd, that they make use of a Season, in which nothing hinders, but they may unite their

whole Force, and bring it all to bear upon one place; that they are under no necessity of management for any manner of Expence necessary to the War, but have their Magazines all filled for the Subsistence of any number of Men and Horses, and are provided with Artillery at hand sufficient to lay all flat before them; which makes them quicker in their Executions, than any Relief can be in assembling: And the Advantages being so great in gaining a little time, it ought to teach others not to favour an Enemies being early in the Field, whilst they are perhaps deliberating about their Preparations. But that the *French* should act defensively all the rest of the Campaign (as they have done of late since his Majesty has been pleas'd to take upon him the Conduct of the War in *Flanders*) proves at least that they rely more upon Policy and Stratagem, than the Courage of their Men as superiour to ours; and therefore I know not why we should sink in our opinion of our selves.

The Action
at Steen-
kirk.

But to make it further appear what little reason we have to distrust the Goodness of our Troops, I am not afraid to instance in the late Action at *Steenkirk*, however others have drawn out of it a Subject for their boasting: That we should take a long march to attack the *French* in their Camp (which they know so well how to chuse) is an Argument that we seek as much the Occasions to give them Battel, as they industriously avoid them; that about twenty Battalions of ours should be engag'd with above double the number of the Enemy; that they should beat them from Post to Post, till they were Masters of two of their Batteries, kill and wound almost as many of them as our whole number amounted to, shews that whenever the Advantage shall be equal on both sides, or that the Disadvantage is not intolerable, we may hope to give a good account of them. If the straitness of the ground, or any other Obstacles, which I don't pretend to be well enough vers'd in military matters to explain, kept their Foot from being ruin'd that day, they ought rather to ascribe it to their good Fortune, than any of their Performances: It is no small sign how desirous they are to have as few such to oppose them as may be, since they made such extravagant Offers to draw the wounded Prisoners into their Service; and us'd so many Artifices to detain those that would not be tempted, which tho it was notoriously unjust, as being contrary to the Faith of their Cartel, yet one can't say it was imprudent, having made so late a trial what those Men were able to do, who it is certain behav'd themselves to the admiration of both Parties. A passionate love to ones Country will excuse one, if I confine my self more particularly to take notice of those that went from hence, of whom I have heard that honourable Character, that for their Zeal and Fidelity to their Majesties Service, for their Union among themselves, without any of those Distinctions that are kept up with such violence in the rest of the Kingdom; and for the gaiety and briskness with which they are led on to action, that rather increases in it, they are to be compar'd with any Body of Men that are in any part of the World, whose undauntedness of Courage prognosticates, that they may one day fully the Glory of him, that proudly takes to himself the name of *Invincible*.

Victorious
Navy, and
untainted
Army.

These then are the Foundations we have to depend upon under God, a victorious Navy and untainted Army, which has already done great things in *Ireland*, as an earnest of what may be expected from them in other parts. It remains therefore on our part to give fitting Encouragement both to one and to the other: Those whom their Circumstances exempt from fighting for their Country, have yet a share to bear in the defence of it, which is freely to contribute to maintain such as are not sparing of their Blood for their sakes. As we are Islanders, I suppose it is not to be fear'd that we shall neglect the Sea; but I know not whether every one is as fully possess'd of the equal usefulness of an Army to act offensively by Land.

Consequen-
ces of the
French be-
ing Masters
of Flan-
ders.

If there be any such, I hope they will rectify their Mistake, when they reflect we are too near the Continent, not to be concern'd in whatever is doing there, especially on our opposite Coast. The Parliaments in King *Charles* the Second's Time, even when they were most suspected to follow blindfold the Inclinations of the Court, were yet so sensible, of how fatal a Consequence it would be to us here, if the *French* King should be suffer'd to be Master of the *Spanish Netherlands*, that they never fail'd to lay hold on all Occasions to make vehement Addresses on that account, with offers of their Lives and Fortunes to preserve that Barrier. And can we now with indifference look upon the further progress that is made there, when nothing is left to put any stop to their being possess'd of the poor Remainder, but that which is indeed the best of Ramparts, the Bodies of Men? And if any Considerations should make us lay open that Bulwark by withdrawing our joint Assistance, what is more visible than that not only *Flanders* would be immediately over-run, but *Holland*

Holland too would be reduc'd to the last Extremity, if they could not save themselves by submitting to any Conditions that should be impos'd. In all which Cases what would our cautious Maxims avail us, of depending upon our Situation, either to act defensively, or to manage the War separately? I fear we should make a wrong Calculation, if we think our selves stronger than the *French* at Sea without our conjunction with the *Dutch*, as it is certain these can't carry on the War at Land without our help.

If we first renounce the Terms of the Alliance, we teach others to follow the Example, and to take no care but for themselves: If by this means the *Dutch* Squadron should stay at home, I would fain know, whether we do not then lose more Ships than were burnt of the *French* last Summer? If we have been so provident as to secure a Reserve to supply their places in some measure, have we found Seamen so plentiful as to man many more Ships than those we have set out hitherto? Or does any body doubt, but the *French* have all along been building as fast as we; and who can tell but they have Resources besides, which we have not? There are Princes very powerful at Sea who have not yet taken party in this War, and Ships of all Rates may be hir'd compleatly equip'd; as sometimes Land Forces are. Should we once bring our selves to such a confession of our weakness, as to play only a defensive Game, I am apt to believe we shall find our selves mistaken even in the managing part, and be no such savers as we make an account for. If a strong Diversion be not made abroad, we shall be so much the more liable to be insulted at home, which a long extended open Coast does sufficiently expose us to, together with an inviting Party among our selves, who daily shew with Impunity, not only a disposition but an impatience to join with our Enemies; and this will put us under a necessity of keeping an Army in the Bowels of our Country, who can never be suppos'd to be so well disciplin'd: but it will be more for the general Interest, and particularly for that of landed Men, whatever the disadvantage may be pretended in carrying out Mony to pay them abroad, rather to leave them there still to forage in places where long usage has made it more tolerable.

A Descent, no doubt, such as his Majesty has been pleas'd to declare he intends, ^{A Descent in France intended.} would above all things revive the Spirits of this drooping Country, and by God's assistance raise its Reputation to the pitch it has been at in former Ages; but then it must not be undertaken by halves, nor with a neglect of what Advantages a vigilant Enemy may draw from it, while such a Design is putting in execution, lest that might be to endeavour only to wound him in a Limb, in a remote Province, and receive our selves at the same time a mortal Wound in a vital Part; for such I must look upon *Flanders* and *Holland* to be, which in the posture of this War, stand as the Outworks to *England*: and those being once lost, I question whether there be any other Choice left, but to fall by Storm or Surrender. It may be ill curing by Revulsion, if care be not taken to prevent the Parties falling into a greater weakness by the Remedy. *Scipio* did not carry the War into *Africk*, till *Marcellus* in many Trials had given an Assurance they could make a stand in *Italy*. Till we can have some satisfaction of the same nature, ought we not rather to apply our Vigour, where we may at once both pary and thrust?

Supposing a Descent not yet practicable with a Defence, we must look upon *Flanders* as the weak side of *France*; on this account at least, that it is the only part where it can be come at at present: and it is a sign they have that opinion of it themselves, by their covering it in that manner with Fortifications. Where any frontier Town hath an inaccessible side, by reason of a Morass, steep Rock, or the like, it requires little care or expence to secure it as far as that goes: I don't say this is the situation of the other Parts of *France*, but they have an advantage almost equivalent to it, which is, they find themselves safe from any very vigorous Attack on their East side, till a Peace with the Turks will allow more and better Troops to be drawn down that way. In the mean time it were to be wish'd, not only that care should be taken to keep up our Numbers compleat (which by the by I think ought not to be left so much to chance and uncertainty, as that our Defence should rely wholly on the Scum and Tatters of the Town and Country, which are ordinarily your Volunteer Recruits) but that we should rather strain to augment than diminish them. If the Enemy increases in Strength every Year, and we lessen ours, or keep at a stand, we may quickly see an end of the War, but it will be with our ruin.

I am aware, that the main Objection against all that is here touch'd on remains yet to be spoken to, which is in short a want of Mony, and that nothing can act beyond

The Necessity of the present War.

its Power: I allow the Maxim is true, but I hope the Application is wrong in the present Case. To be engag'd in a War, and not to feel it, is a vain Imagination; but if the War we are enter'd into be unavoidable, if it is for our All, and that Mony is the Sinews of it, there is no doubt but it must be had if it can be found: It is better paid to keep Danger at a distance, than to redeem a military Execution; and the one or the other is like to be our Lot. By our way of living, and by the course of our Trade, one would not think that we are so far exhausted as some People seem to complain, we have yet wherewithal for Superfluities; no Price deters us from gratifying our Vanity and Luxury, and while that lasts, all close-handedness in a common Concern, will look more like a grudging of the Publick, than any real Necessity. I don't say but some Branches may be as far charg'd as they will reasonably bear; but are there not others that have not yet been try'd? We see the Industry of our Enemies and of our Friends too, who leave no stone unturn'd, but daily set on foot new Projects and Proposals to provide for the growing Occasions; if we can't invent, I wish we could imitate: The abuse of these things lies only in the continuance of them, beyond the Necessity that first enforces them, which no Constitution of Government can so well remedy as we; but otherwise all Methods taken up by Publick Authority in the Case of Self-preservation, are just and honest. *Skin for skin, and all that a Man has will he give for his Life*; is not more a Description of the practice of Mankind, than it is an Advice what ought to be done in such Emergences. He cannot be accounted an *English* man who does not value this Cause at the same rate, in which not only his own being is concern'd, but the being of the whole *English* Nation down to all Posterity. Is not this enough to justify either *French*, *Dutch*, or *Muscovitish* ways if you will, when others fail, to raise Mony in proportion to the want of it?

Ways of raising of Mony to be studied.

I have wonder'd to see some Men busy themselves in writing studied Pamphlets against this or that way of raising Mony, without being pleas'd to extend their Care a little further, to shew us at the same time how the Publick should be otherwise supply'd. I know not whether such Authors may not be something of the Humour of the Mob, that will gut or pull down a Fabrick for nothing, when they won't lay a Brick or a Plank towards repairing it, without being paid for it: But do they think every thing is to be rejected in which they can remark an Inconvenience? Prudential Deliberations have comparative good and evil for their Object, and that is best which has the least of Ill in it. Now I would gladly be resolv'd by these nice examiners of Matters, which is more eligible, to run a more than probable Risque of losing all one has, or to pay a Tenth, an Eighth, or some such ratable part out of ones Expences by a General Excise?

No Excise pleaded for.

I would not be misunderstood, I am not pleading for an Excise, nor do I know any body that would, but upon a Supposition that it is the only way left for our Safety; I know these are Cases reserv'd to a Parliament, which no body ought therefore to meddle with, either to write for or against, it belongs only to them to consider in what measure they will supply their Majesties, and they are the sole Judges by what Method it is fit to be done; so that it is as much a presumption for People without doors to prevent them, as it would be to prescribe to them. But otherwise if this were a Point proper to be argu'd; I must confess nothing would incline me more to think well of a General Excise, than some of the Objections that I find made against it. When I see it represented sometimes as a Fund that would make Parliaments useless; and at other times, that it is able to furnish, besides what is necessary for all extraordinary Occasions, Mony enough to bribe both Houses to consent to keep it up: I can fancy it no less than a Treasure equal to the Revenue of *France*, having hitherto believ'd that nothing but that was strong enough to work such wonderful Effects; and I am tempted to wish that the Author was known, and that his Judgment was such as might be safely rely'd upon: I should then rejoice that the Nation had so rich a Mine yet unopen'd, reserv'd like a Sacred Treasure (as they say there was at *Rome*) not to be touch'd but upon an Invasion of the *Gauls*, that is, the *French*; not doubting but let the Sum be ever so great, a Salvo would be found against all the Romantick Notions of the Uses it would be put to. I am satisfy'd that it ought to be the least of our Fears, that a Parliament should ever be brought to give once for all: We have a notable Instance to the contrary in one of the late Reigns; nor do I conceive how it can be imagin'd, that an Excise like the *Trojan Horse* should carry a House of Commons in its Belly, so as there needs only but to open the Machine, and out come three or four hundred Members at least, of what size or complexion you would have them. Does any body think in good earnest,

nest, that either the Freeholders or Burgers of *England* are all such Cullies, or the Excise-men generally such Darlings of the People, that for their sakes they should irresistibly chuse those for their Representatives, who will not only perpetuate what is suppos'd to be extremely burdensom, but endanger their liberty of Choice for the future? Besides, the Reflection is very unjust, as well as indecent upon the King, to load him with the suspicion of any such Design, who having voluntarily given up a considerable Revenue, which was for ever fix'd in the Crown, and that somewhat unseasonably too, if one may say so, for the ease of his People, ought to have remov'd all Jealousy, as if he were capable of grasping at more, or detaining any thing longer than it may be subservient to our Security: but such Arguments as these serve only to introduce a clouted Phantom, contriv'd to scare People with, which no body sure will break his Neck out of a Window to avoid. Therefore I shall pursue this Matter no further, remembring the Bounds within which it is circumscrib'd, and acquiescing in the Wisdom of those who are now assembled to deliberate upon the most important Points that were ever under the Consideration of an *English* Parliament; beseeching God to direct and invigorate their Counsels, that maturely weighing the Difficulties we labour under, both from within and without, they may proportion their Advices and Assistances, according to the urgency of Affairs, so that Generations to come may rise up and bless them for continuing down to them the civil and religious Liberties which we now enjoy.

Some Considerations about the most proper way of Raising Mony in the present Conjuncture.

Printed about the Year 1692.

Written by John Hamden Esq;

THERE has happen'd nothing more memorable in this Age, nor in which the Providence of God has been more signally remarkable, than the late Revolution of the Government in these Kingdoms. The Changes in *Naples* and *Portugal* were not more surprizing, than what our Eyes have seen in our own native Country: Nor were the Oppressions under which we labour'd, and the Ruin which threatned us, less dreadful than that which caused the Revolt of those Kingdoms from those who abused the Trust of Government to tyrannize over them. Our Laws were trampled under foot, and upon the matter abolish'd, to set up Will and Pleasure in their room, under the cant and pretence of Dispensing Power. Our Constitution was overthrown by the trick of new Charters; and by closeting and corrupting Members of Parliament, men were requir'd, under pain of the highest displeasure, to consent and concur to the sacrificing their Religion, and the Liberty of their Country. The worthiest, honestest and bravest Men in *England* had been barbarously murder'd; and to aggravate the Injustice which was done them, all had been varnish'd over with a Colour of Law, and the Formality of Trials, not unlike the Case of *Naboth* and *Ahab*. Those whom the Law had declar'd Traitors, were, in defiance of the National Authority, introduc'd into our Councils, and the Conduct of Affairs put into their hands.

Our Universities were invaded by open Force; those who were in the lawful possession of the Government of Colleges turn'd out, and Papists sent thither in their room; and if that Attempt had throughly prosper'd, the Churches and Pulpits would soon have follow'd.

Popery and
arbitrary
Power set
up.

It were vain to go about to enumerate Particulars. In a word, the Nation was undone. All was lost. The Judges were suborn'd or threaten'd to declare, that the King was Master of all the Laws; and the Bishops were requir'd to publish this new-created Prerogative in all the Churches of *England*, by the Mouths of the Clergy; which when some of them refus'd to do, representing to the King, with the utmost Submission and Modesty, that neither Conscience nor Justice permitted them to do what he desir'd, they were prosecuted at Law, as if they had been guilty of some great Crime. Letters were written and intercepted, by which it appear'd evidently, that the Change of our Religion was determin'd, and that Popery was to be brought in with all speed, lest the Opportunity should be lost. And for the better compassing this pious Design, our Civil and Parliamentary Rights were to be taken away, *in ordine ad spirituale*. And when the Nation, and those who were concern'd for it, being terrify'd by the greatness of the Danger, would have compounded so far, as to have taken away the penal Laws against Papists, and so have set them upon a level with other *English* Subjects, provided the Test might have been continu'd, and the Government secur'd from falling into the hands of that Faction, all such Offers were despis'd and rejected with scorn: nor would any thing content the Bigotry and Arbitrary Humour of those who were then in the Saddle, less than the total enslaving of the Nation, and the re-establishment of that idolatrous Religion, from which our Ancestors had freed themselves with so much Bravery and Generosity, in the beginning of the last Century.

Application
made to the
then P. of
Orange.

This deplorable state of things awaken'd the Minds of those of our Gentry and Nobility, who had any thing remaining in them of that *English* Love of Liberty and Impatience of Slavery, which has so often rescu'd this Nation from the brink of Ruin. They saw to what the Necessity of Self-defence oblig'd them, and resolv'd to shake off the Yoke they could not bear. And in order to this, many of them (as we all know) apply'd themselves to some principal Members of the States General of the United Provinces, and to the Prince of *Orange* (their Stat-holder and Captain-General) representing to them how nearly they were concern'd in what then pass'd in *England*, which was but one branch of the Design driven on by the *French* King, and his Adherents, for enslaving all *Europe*, and rooting out what they call'd the Northern Heresy, both Name and Thing. They shew'd them, that if they suffer'd the Conspiracy of our common Enemies to go on any further, they would infallibly be involv'd in our Ruin, and that very speedily; and must necessarily fall under the *French* Yoke, of which they had felt the weight in the years 1672, and 1673, and had lately heard more of it from those great Numbers of persecuted *French* Protestants who had taken refuge in their Country. They intimated how glorious it would be for them to become the Sanctuary of oppress'd Innocence.

Posture of
Affairs
then.

And lastly, they put them in mind of what had heretofore been done for their Republick by the *English* Nation, when they had newly cast off the *Spanish* Tyranny, and were forc'd to implore the Succour of their Neighbours against a Power which then carry'd on the same Designs, and much by the same Methods, which we have seen copy'd from them by the *French* in our time. They convinc'd them that all Reasons of Gratitude, Humanity, Policy and Christianity concur'd to incline them to comply with their Request, in putting to their helping hand for the opposing a Bank to that Torrent which otherwise would overflow all *Christendom*. Neither was this Business of a nature to admit any Delay. Our Patriots made them see, and prov'd to them by Reasons unanswerable (which are now obvious to every one's Observation) that if they slip'd the Opportunity then in their hands, by the *French* King's drawing his Forces to the *Upper Rhine*, to begin the War by the Siege of *Philipsburg* (which was occasion'd by the false Intelligence he had receiv'd from his Ambassador and Pensioners in our Court, who being intoxicated with some late Successes, despis'd the People at a great rate, and thought it below them to get Information of those they call'd the Male-Contents) I say, if they let pass that occasion of helping us, it would, in all probability, be too late to attempt any thing hereafter; the two Kings hoping by their joint Forces and Counsels in a short time, to put both the *Dutch* and *English* out of a Capacity of disputing their Pleasure.

All these Arguments, and the Instances of our worthy Country-men, prevail'd to that degree, that the *Dutch* resolv'd upon lending us their best Troops, and actually sent them over, under the Conduct of the Prince of *Orange*, who found the Nation as well dispos'd to receive him as could be expected from a People who had suffer'd so much already, and look'd for worse every day than other.

At

At the time of the Prince's landing, several great Lords and such Gentlemen who had Courage enough to expose their Lives and Estates for the Deliverance of their Country, appear'd in Arms, as had been concerted; and what the Success of this heroick Undertaking was we all know; and every good Man still blesses God for his Goodness to this Nation, in prospering and rendring effectual so just and pious an Enterprize. And altho the *Dutch* found their Account, as well as we, in the Success of this glorious Action; and besides, the *English* Parliament recompens'd them fully for the Charge they had been at in this Expedition, paying them 600000 l. which was the Sum of Money they demanded; yet there is no true *English* man, nor vertuous Man amongst us, who will not think himself bound, upon all occasions, to acknowledg the unspeakable Obligation we have to that wise and generous Republick, for assisting us in the time of our Distress, as we had formerly done by them, when they were in a like Extremity. Not that the *Dutch* can pretend (what some Parasites among our selves have fondly imagin'd and printed) to have acquir'd by their Arms a Right of Conquest over us, no more than we had done over them an hundred Years ago, when we sent them Assistance against the *Spaniard*, or Monsieur de Schomberg over the *Portuguese*, when he led an Army for their Deliverance. But as then, so now, a People oppress'd and unjustly insulted over, by those who should protect them and study their Happiness, having first try'd all fair means, and us'd all sorts of Submissions to touch the Hearts, and change the Minds of their cruel Oppressors, and at length finding all such means ineffectual, do invoke the Assistance of their Neighbours, who finding it their Interest, upon many Accounts, to prevent the Ruin of those that call upon them for Aid, and withal commiserating their sad and desperate Condition, do assist them with their Armies and Fleets, to prevent the Destruction coming upon them; which Endeavours, in conjunction with those of the oppress'd Nation, God having crown'd with the desir'd Success, it may well excite in the Hearts of those who have been thus help'd, a very high Degree of Gratitude, and may be a Foundation of lasting Union and Friendship between the two Nations, but can by no means give either of them any right of Conquest or Pre-eminence of Authority over the other, no more than if a Man's House were on fire, his Neighbour would acquire any right of Propriety in it by helping to quench it. This I should not have mention'd, but for the Petulancy of some Flatterers, who would make us believe we have brought our selves under a more absolute Condition of Slavery, by taking up Arms, than we were in before; which was so far from the Thoughts of our Ancestors in the like case, that neither Queen Elizabeth, the Earl of Leicester, nor any other Person who had a hand in the Deliverance of the *Dutch* from the Tyranny of the *Spaniards*, ever dreamt of having gotten any Title of Power over them by what they had done for them, nor ever demanded or exercis'd any other than what was intrusted in their hands by the *Dutch* themselves, as long as they thought it necessary for their own Good.

The Dutch recompensed for their Charges.

And our present King is so far from having any thoughts of this kind, that we know from the learned Prelate who preach'd his Coronation-Sermon, that there is nothing he detests more than the Imputation or Suspicion of a Conquest. Which is an evident Proof, not only of his Majesty's good Intentions to this Kingdom, but likewise of his great Wisdom, and the Soundness of his Judgment; since if we were conquer'd, we should fall under the *Dutch* Republick, having been conquer'd by their Men and Money, and so our Government would no longer be a Monarchy, but we should be a Province, or part of that Commonwealth.

The King abhors the thoughts of Conquest.

But to return where I left off; things being brought about in this manner, as we all know, and King James being run away, the Nation, tho justly incens'd against him, did not think fit to change the antient Form of Government, but set the Crown upon the Head of the present King and Queen (with such Limitations as they thought necessary) being willing for the first Part (according to the Custom of our Ancestors, both in the *Saxon* times and since, upon the Deposition of Kings for Misgovernment) to take the next in Blood, if there was no reasonable Objection; and at the same time, to shew their Thankfulness to the then Prince of Orange, for the share he had in our Deliverance, by heading our Patriots, and leading the *Dutch* Army, they associated him in the Throne with the Queen his Wife, as may be seen in the Act which constitutes and directs the Administration of this present Government. This was thought safer and better than any new Scheme of Government, or than a Regency, which yet was debated, and put to the question in both Houses: And presently after, a War was declar'd against France, and such a Confederacy

Narrative of the Steps of the Revolution and Settlement.

entred

entred into by this Nation, both with the *Dutch*, and several other Princes and States, as has already produc'd very good effects, and it may be hop'd (with God's Blessing and good Management) will be effectual to humble the haughty *French* Monarch, and to settle us once again upon the Foundations of Religion and Liberty, not easily to be shaken.

The Govern-
ment and
Confede-
racy to be
maintain'd.

It will be readily granted by all wise and well-intentionated Persons, that the Safety and highest Interest of the Nation does absolutely require the Support of this present Government, and the maintaining of the Confederacy into which we are entred. If any Man doubts this, let him recal to Mind the miserable Condition in which we were four years ago, when we were bidding adieu to all that was dear to us, our Religion, our Laws and our Liberties, which the Popish Faction had swallow'd up in Imagination, and would have done so effectually, if God had not appear'd for us in a miraculous manner. Let such a Man lay his hand upon his Heart, and consider how the *French* King has treated his Fellow-Protestants, contrary to the Faith of all Promises, Oaths and Edicts made by himself and his Ancestors, surpassing the Barbarity both of antient and latter Persecutors. Let him remember the strict union of Interest and Counsels that was between that King and King *James*, who both drove on the same Design of exterminating Hereticks, and rooting the Remainders of Liberty out of the World, insomuch that we see the *French* King has made King *James's* Cause his own; and no body doubts, or can doubt, but if he should ever recover the Possession of these Kingdoms, it would be only to hold them in quality of the *French* King's Lieutenant, to whose Ambition and Bigotry we must all be sacrific'd. I say, let any Man who makes it a Question, whether it be necessary to support this Government, and enable it to go on with the Confederacy, revolve these things in his Mind, and at the same time figure to himself, in case our Government, for want of supply, should not be able to carry on the War, and so we should again be over-run, and reduc'd under the Yoke of our Enemies, with what redoubl'd Rage and Fury they would return upon us, under the Colour of recovering their Right, and punishing Rebellion; and how little Appearance there would be, after this, of any new opportunity of Deliverance, or of a possibility to hold up the Protestant Religion in any part of the World, after the Destruction of its Professors in *England* and *Holland*, which I join to each other, because we all know their Interests are now inseparable, and they must stand and fall together. And if after all this, any one can be backward in doing his utmost to make good what we have done in this Revolution, or be willing we should fall back into that Gulph of Misery and Confusion from whence we are so lately escap'd (which will be the infallible effect of not supporting this Government and Confederacy) I confess I have no more to say to such a Man.

Necessity of
raising
Money.

But to come to the main design of this Discourse; It is certainly impossible, in the present state of things, that this Government should subsist, and much less be able to bear its Part in the Alliance against our common Enemies, unless there be great Sums of Money given. Those are the Sinews of War, and all other Business. Our dear-bought Experience has taught us what vast Taxes are absolutely necessary to maintain those Armies and Fleets which are requisite for our Security, and for the defence of our religious and civil Rights: and provided we attain those ends, it will not be thought, at long-run, we have bought them too dear. In this Case we may well say, *Dimidium plus toto*. A wise and a good Man will rather chuse (if it came to that pass) to enjoy one half of his Estate, with the Liberty of his Conscience and the Preservation of his Birth-right, than to possess a double or treble proportion of Riches, whilst his Mind must be enslav'd to the Superstition of knavish and interested Priests, his innocent Friends and Country-men sacrific'd to the Idol of arbitrary Power (as we have lately seen it practis'd) and the Title that is left him to his own Possession and Liberty, only precarious and during Pleasure. Our good Neighbours and Allies the *Dutch*, do not think much of the Charge they were at in freeing themselves from the Oppression of the *Spaniards*, nor of that they have been forc'd to undergo for the maintaining their Country and Liberty against the Insults of the *French* King, tho they have been forc'd some years to pay half their Revenue, and sometimes all, and more than all, for carrying on of the War. The *Suisses* do not regret the hazardous and chargeable effort which they made to deliver themselves from the intolerable Tyranny of the House of *Austria*, nor the infinite Numbers of Men, and the Money that has been employ'd since that time to make good what was then done: Provided that Warlike Nation always prefer the Love of Liberty, deriv'd to them from their Ancestors, before the Love of Money.

Example of
the Dutch
and Swis
therein.

Money (with which their Enemies endeavour to corrupt them) they have nothing to fear. Nay, in *France* it self, which is the Center of Tyranny, and where even Mens Minds are enslaved and captivated by the Artifice of Priests and scribbling Court-Sycophants, and the very Love and Desire of Liberty is lost (which assuredly is the utmost of all Misfortunes) there are yet some Persons (as we see by several Writings) who aspire after a Deliverance, and would willingly hazard their Lives, and part with what they have most precious, to vindicate their Country from the barbarous and inhumane Tyranny under which it groans; and if they were happy enough to compass the Execution of so noble and vertuous a Design, they would think no Charge nor no Expence too great to maintain those Rights and Privileges which have been heretofore enjoy'd by their Ancestors, and of which they have been so unjustly rob'd, without any prospect of Redress, ever since their Kings grew strong enough to govern them, without assembling the States of the Country. And since that time they have made a shift, by the assistance of Priests and mercenary Upstarts, rais'd by themselves to favour their arbitrary Purposes, to bring that Nation to a pass, which has given occasion to some, who have long voyag'd in the Eastern Parts of the World, to affirm, that there is more Tyranny effectually practis'd in *France* in one year, than in all those Parts in twenty; the Princes of those Countries not having learn'd to refine in those Diabolical Politicks to that degree, which the *French* have arriv'd at.

To this purpose I cannot but mention what was said to me at *Paris* ten years ago, by the great Historian Monsieur de *Mezeray*, whom I knew very particularly, and who was a Man of great Worth and Virtue, and therefore very ill us'd by the Ministry of *France*. Discoursing with him about the difference of the Government in *France* and *England*, he broke out into this Expression; *O fortunatos nimium, bona si sua norint, Angligenas!* We had once (said he) in *France* the same Happiness, and the same Privileges which you have. Our Laws were made by Representatives of our own choosing; our Money was not taken from us, but by our own Consent; our Kings were subject to the Rules of Law and Reason (with many other things of that kind, which he added) but now alas! we are miserable, and all is lost. Think nothing, Sir, too dear to maintain these precious Advantages; and if ever there be occasion, venture your Life, your Estate, and all you have, rather than submit to the miserable Condition to which you see us reduc'd. These words, with what I actually saw of the Misery of that Country, made an Impression in me which nothing can efface.

The Question therefore with all sober Men and sincere Protestants, will not be, Whether we shall maintain our Liberty, by supporting this Government, and enabling it to carry on the War? nor consequently, Whether we shall raise Sums of Money proportionable to that end? but only what will be the best Manner and Method of raising Money, so as may be most for the Ease of the Subject, and above all, for the upholding our Constitution, and securing those ends for which we took up Arms? And that was not any personal regard whatsoever, but the Recovery and Security of our Rights and Liberties, which had been so unjustly invaded. This is the thing we must always keep in our Eye, and steer our whole Course by this Polestar; otherwise the Hazards we have hitherto expos'd our selves to, and the Success with which God has bless'd us, will little avail us, whilst by flying one Extreme we run into another; or, to use the old Proverb, by avoiding *Scylla* fall into *Charybdis*.

The way which has been most discours'd of by some who pretend a great Zeal for the present Government, and which seems to be most agreeable to some People, is to lay a Home-Excise upon things eatable and drinkable, and several other Merchandizes which are sold in the Market: This is the way us'd in *Holland*, and the like was practis'd in *England* in the time of our Civil Wars. But because I cannot approve this manner of Taxing at this time in this Kingdom, as thinking it of the utmost hazard in this beginning of our Settlement, and apparently destructive to the ends of it, I shall set down my Reasons (with as much plainness as I can) together with some that were mention'd the last Session of Parliament by some worthy Members of the House of Commons, that so if other Men be convinc'd by them, I may have the Satisfaction of reflecting, that I have been useful in some degree in suggesting those things, which may contribute to the maintaining and continuing the Liberty of my Country; which as it is dear to me above all things in the World, so in my humble Opinion, it is very much concern'd in this Point.

My first two Considerations in reference to such an Excise, are, That if the Parliament should grant it, they neither know what they grant, nor can ever hope to see an end of such a Grant as that is. To make this out, I shall give a short Historical Account of the Excise now in being, that so we may judg of *Hercules* by his foot; which, I think, will afford us such measures as cannot easily deceive us.

Against the
Liberty of
the Subject.

Our Ancestors, whose chief Care it was to maintain those Rights and Privileges which distinguish'd them so advantageously from all the other People of these Western Parts of *Europe*, and who deliver'd those Privileges to us as our best Inheritance, did constantly avoid this sort of Tax, knowing its Danger, and abhorring the servile Look of *Bureaux* in their Market-places, and miserable Fellows to come into their Houses like Searchers, as if they had hid some Criminal, or conceal'd some Arms or Papers to the prejudice of the Government. It could not enter into their Heads that a Leg of Mutton ought to be suspected for Treason, or a Loin of Beef, which was thought worthy to be knighted by some of our Kings, should be accus'd of conspiring against the State.

This Example of our Ancestors, with the good Success it has had, I should think, ought to weigh a great deal with us in a matter of this Importance; to which if we add the Condition of the *French*, and others of our Neighbours, who are loaded with an infinite number of Entries, Imposts, in a word, Excises of all sorts (which at first were contriv'd and impos'd upon specious Pretences of great necessity of the State, but never were, nor will be let go by those who have found the sweetness of them) this will add great force to our Argument. But we must come nearer the Point, and shew how lately, and in what manner, Excises have been rais'd in *England*, and what use has been made of them, together with the Artifices by which they have been procur'd.

Excise when
first rais'd
in England.

The first Excise rais'd in *England*, was in the time of our Civil Troubles and Disorders: Neither did those who rais'd it adventure upon this way, till they had try'd all others to supply the Necessities into which they had brought themselves. They had seiz'd into their Hands the Revenues both of the Crown and Church, and expos'd them to Sale; Mens Estates had been sequestred, and their Property invaded and destroy'd, under the name of Delinquents; and when the Money was spent which had been rais'd by these oppressive methods, they then set up this way of Excise. But that had not been paid neither at that time, but for the Army which was then kept up, as appear'd in the Sedition of the Butchers and others upon that occasion.

At first for
two or three
months
only.

Nor did they who impos'd the Excise in those days, omit any thing that might help to sweeten so bitter a Potion, and persuade the People to swallow it with the less Reluctancy. They urg'd the great necessity there was of it at that time, which was at least equal for those who then rais'd it, with any that can be now pretended to carry on this War. To make it pass the easier, they begun it in the most modest way they could devise; if I mistake not, it was at first but for a month or two, or three months at most: They were sensible how averse the Nation was to this way of Taxing, and therefore they durst not, in their first Attempt, adventure farther. When the necessity of their Affairs, and the Straits in which they found themselves, forc'd them to go on with the Excise, yet they would persuade the People, it should last but a little while, and be presently over; but for all that pretence, we know too well it has not ceas'd to this very day. When the Serpent gets his Head into a Hole, 'tis no hard matter for him to draw his whole Body after it. Wise Men, like good Physicians, must oppose the beginnings of Evils; 'tis easy to prevent Mischiefs, which it is not easy, nor possible, to remedy. The Ability of Politicians is known by their foreseeing and obviating Inconveniences, too strong to be remov'd when they are once established.

Turpius ejicitur quam non admittitur hospes.

Its Pro-
gress after
the Resto-
ration.

Soon after the Restoration of *K. Charles II.* the House of Commons express'd a Desire, as their Predecessors had often done, to take away the Court of Wards, and they had long Deliberations how to settle upon the Crown a Recompence for it. Many ways were propos'd (as is usual in such Cases) but at last it was thought best to lay it on Land; and they agreed the Sum to be 100000 *l. per annum*, and appointed a Committee to settle an equal rate upon every County towards it. This would have procur'd another great Advantage to the Nation, and especially to the associated Counties and others that are over-tax'd in the Monthly Assessment, by

by bringing in a just and equal way of taxing all the Lands of *England* according to their true value. The Committee, in pursuance of the Order of the House, having taken great pains in settling a new Rate, at length agreed upon one, and reported it to the House, and it is enter'd in the Journal. But while they were taking all these Pains, the Court was privately inform'd by some self-designing Men, that it would be of much greater Advantage to them to get a Grant of the Ex-
Practice of the Courtiers.
 cise upon Beer and Ale, since the Value of that was unknown; and they assur'd them, that it would amount to a Sum vastly beyond what the Parliament intended them in lieu of the Court of Wards. These Men encourag'd the Court to undertake this Work, and promis'd their own Assistance and Endeavours for the Success of their Proposal. Hereupon the Court resolv'd to push for the settling of the whole Excise, and by threatening privately the Members of that House with a Dissolution, and by giving to some considerable Places, they got a Question put to settle one Moiety of the Excise (which had been invented and rais'd on evident Necessity in the times of Civil War, and not granted longer than a few months) upon the Crown in Fee, in lieu of the Court of Wards, and the other Moiety on the King for his Life.

The former part, to give the Moiety in Fee in recompence of the Wardships, was carry'd in the Affirmative, tho, in truth, it was the giving 300000 *l.* a year for one, for which that House is justly blam'd, and will be so, as ill Husbands for the Kingdom, and unfaithful to their Trust. A great Parliament-man, lately deceas'd, undertook to make out, it was the giving away the Barly-land of *England*.

The other part, *viz.* to give the other Moiety for Life (as much as that House was influenc'd by the Court) was first carry'd in the Negative; which enrag'd them
How it was carry'd at last by Trick.
 to such a degree, that the next day a Message was sent to the House, to let them know they were to be dissolv'd a month after. This was a strange and unusual Message, they might have been quicken'd to dispatch publick Bills, and told, the Session would be but short; but the Message, as sent, put Men throughout the Kingdom on supplanting them. If the Members staid in Town (and go they could not without leave of the House) their several Interests in their Countries were in danger'd: If they went down, the settling the Excise for Life might be carry'd in their Absence. This was the Dilemma the Court had brought them to, and accordingly it was granted before that Session ended.

All this was compass'd by the Artifices and Clamours of the Court-Party, who we since have seen aim'd at nothing lower than the getting such a Revenue in the possession of the Crown, as might have inabled them to govern by Arbitrary Power, and abolish Parliaments. They pleaded an absolute necessity (as some Men do now in their Discourses about the Town) for what they demanded; but there was indeed no necessity, when King *Charles* return'd, to give him the Excise.
The Courtiers Design in getting the Excise.
 'Tis true, he had great occasions, on his Return, for Money; but the Parliament, after the Excise given, found out other ways, both by Land and otherwise, to give great Sums, and by such ways they might have supply'd him then without the Excise. 'Tis allow'd, his Revenue was fit to be enlarg'd beyond that of his Ancestors, because the constant Charge of the Government was greater; but this was no reason for an Excise. The putting a bar upon Crown-Grants of the Revenue, and appropriating the forfeited Estates of the Crown, would soon have done more than the Excise was then valu'd at, one Moiety being given for the Wardships, which the Court valu'd but at 100000 *l.* *per annum*.

If it were fit at that time to raise the yearly Revenue to 1200000 *l.* *per annum*
The yearly Revenue settled on K. Ch. II.
 (tho that was more by 400000 *l.* than the yearly Establishment and Charge of the Crown then, or for many years after, came to) if the Parliament of 1660 could not, at once, bring it to that, they might have gone as far as they could without the Excise, and left it to other Parliaments to make it up. They gave the Crown, without counting the Excise, a greater Revenue than ever it had, or than it could pretend to spend in time of Peace; and accordingly we see what amazing Sums were expended every year, out of what was pretended to be absolutely necessary for the Support of the Government, in ways not to be mention'd or remembered, but only in order to prevent the like for the future.

And when this was given, all that Parliament got, by their Zeal to settle 1200000 *l.* *per annum*, was, That the Court, next Parliament, pretended it was not so much as was intended; and therefore got, by influencing Committees, such Reports, upon which they obtain'd 2 or 300000 *l.* more added to the standing Revenue.

The same
Excise con-
tinu'd to
K. J.

Upon the Demise of King *Charles*, what necessity was there to continue the Excise to King *James*, I mean the Moiety then determin'd? Could any thing under a Popish Prince be a greater Security to the Protestant Religion and Liberty of the Kingdom, than the smallness of the Revenue? And was it not the main Argument of King *Charles* and the Clergy, against passing the Bill of Exclusion? They urg'd, that tho the Crown should come to a Popish Successor, he could not be able to force his Religion upon the Nation, by reason of the falling off of the one half of the Excise at King *Charles's* Death, and thereby the ceasing of so great a Branch of the Revenue. Which if it had been kept low, or moderately enlarged for a time, a short time, if the Commons could but agree among themselves, they might have stop'd all Invasion of Property, or Danger of Tyranny.

If ever such a Revenue would have been let fall, no doubt it would have been then. But we see, in the Instance of King *James's* Parliament, when Excise is once begun, there is no end of it to be expected. That Parliament gave him for his Life what was fallen, and not only so, but an Increase upon Linen, Wine, Tobacco, &c. worth near the double. Had King *James* continu'd among us, I doubt not, this new Excise would have been continu'd; nor do I doubt, whenever such Grants are made, upon pretence of a present Necessity, but there will be Arts and Methods found out by those in the Ministry, to have them perpetuated. When once an Excise is up, we see it must be kept on. It's easy to find a necessity for it; and where that is wanting, yet one Parliament must be as kind as another, or else it is want of respect to the present crown'd Head.

I think there was never but one Excise rais'd that ever fell again, and that was the additional Excise given in the Reign of King *Charles* for Years; and yet even that, tho it ceas'd some time, was again reviv'd by the last Parliament, and so continueth.

This Principle, that the House must ever be as kind to the present Government, as their Predecessors were to others, will carry things at any time against the Interest of the Kingdom; and therefore Money should not be rais'd by the Commons in that manner, in which the House may be press'd with Arguments they have formerly experienc'd have wrought on their good Natures, beyond the Interest of their Countries who sent them.

How the
Parliament are
Masters of
their own
Resolutions

If it be said, Are not the Parliament Masters of their own Resolutions, and may not they safely trust themselves, since it is in their power to put an end to an Excise, whenever they think there is no farther occasion for it? To this I answer, They are not so much Masters of their Resolutions as some think; Sollicitations go a great way, Pretences are specious, Men are frail, Taxes of this kind do not immediatly touch the Members of Parliament themselves, who are landed Men, and therefore not so directly concern'd to get them off. To this I add, That our wisest and best Policy is to keep a Parliament out of the Temptation of doing that which may prove the Ruin of the Nation. Men do not care for being thought disaffected to a Government, as it is always thrown in their Dish, if they offer at diminishing any Revenue that has been given, and are not as forward as other People to gratify the Crown and the Ministers in all their Expectations.

There was not long ago an Instance of this in Parliament: It appear'd to the Commons, that besides all Grants of Lands by King *Charles* and King *James*, there was above 200000 *l. per annum* charge laid on the Revenue; and therefore, to prevent the like for the future, and that the Court might not, when they pleas'd, without Parliament, tax us by their Patents, which our Estates must make up, there was a Proviso added to the Bill for settling the hereditary Revenue, to make all Grants void against a Successor. And tho, besides the Reasons above-mention'd, the State of Affairs, and the Charge of making War, now so much greater than formerly, requir'd such Provision; yet how heinously and spitefully was it represented by some, as if it proceeded only from prejudice to King *William*? So that tho the Act went thro the House of Commons, to be lodg'd with the Lords, with them it slept.

Excise once
rais'd, sel-
dom falls.

I insist the more upon this Observation, That Excise rais'd once (tho on pretence of the greatest Necessity, and that it shall be only temporary, and but for a short time) never fails, by one means or other, to be continu'd, because I desire the importance of the thing may be consider'd; and in case it should so fall out in the Excise, which now some seem to desire, it ought sure, at least, seriously to be consider'd, what our Case will be thereupon.

We know very well, that 800000 *l. per annum*, or thereabouts, with good Husbandry, will discharge all the Expences of the Government in time of Peace; therefore in the year 1660, when the Court had scrud their Demands to the highest, they desir'd only the standing Revenue to be 1200000 *l.* and whatever they got afterwards, was not on pretence that more was necessary, but that they had not so much.

That very standing Revenue which was settled in King Charles's time was so great, that every body remembers, when a great Army was rais'd, the House of Commons was try'd to give but one 300000 *l. per annum* more, which if they could have got, no one doubts but it was design'd there should have been an end of Parliaments. And that very thing was prest so handsomly, and so much to the purpose by some, who were then Members of the House of Commons, that the very Pensioners of that Parliament voted against the Augmentation of the Revenue which was desir'd, lest Parliaments should end all at once, and their Pensions with them.

Augmentation of the Revenue voted against in K. Ch. II's Long Parliament.

The Revenue now in time of Peace will yield, above all Charges, 1500000 *l. per annum*; if more be given in this way of Excise, and it should be continu'd, 'tis the giving up the very being of Parliaments.

There are still many other Reasons against this way of Taxing by an Excise.

I have shew'd already, that this is a giving Men know not what: That Moiety of the Excise given in 1660 for 100000 *l. per annum*, hath since prov'd worth three and a half: That which King Charles desir'd as 300000 *l.* when it was got by King James, prov'd to be worth more than double that value. And to this I may add, That the more such Revenues prove, if they should be continu'd, the more dangerous for the Nation.

Excise how increas'd.

This is a troublesom and a slavish sort of Tax. The present Government came in upon a foot of Liberty: What was the reason that the Chimny-mony was taken off, but only this, That every Man might have his House free? Shall the Nation be mock'd by taking off a Feather, and in the room of it laying on a Millstone? This is a way to bring a *Lord-Dane* into every one of our Families.

The Difficulty of raising this Tax will be very great, the People of England dislike it extremely. I have heard some of the wisest and honestest Members of the House of Commons say, They would be hang'd up at the door of the House, before they would consent to it. All that liv'd in the late times remember with what difficulty the Excise was rais'd by those who were then in the Government; and 'tis certain they could never have compass'd it, but for the Terror of the Army then kept up. Now if the Parliament should raise Money in this way to pay our Army, and should be necessitated, as they were, to keep up a standing Army to gather it, we shall be at a fine pass. The Money must be rais'd to pay our Armies, that they may carry on the War vigorously against our Enemies; but instead of any such Service from them, they must be kept at home to raise the Excise.

Difficulty of raising a general Excise.

The common Argument for an Excise, that it will spare our Lands, is grounded upon a false Supposition: This is not a sparing our Lands, but a charging them for ever with double what is needful. The dearer the Farmer pays for his Commodities, the less Rent he will pay; and the less his Product yields him clear, accordingly he must value his Farm. The more (for example) is laid on Lead, the less will Wood and Oar yield; and so of other Commodities.

The greatest Excises which are laid in *Holland*, are upon Commodities which are not of the growth of the Country: Their Corn comes from *Dantzick*, their Flesh from *Denmark*, and so of several other things; so that by loading them, they oblige their People to consume the Goods of their own Growth and Country, such as Cheese, Milk, Herrings, &c. Whereas if an Excise be laid here, it must be upon things growing in this Kingdom, which undoubtedly will hinder the Consumption of such things; for the dearer they are, the less People will buy of them, and the more they will reduce their Families, that they may live cheap.

Excise in Holland laid on foreign Commodities.

The Policy of our Ancestors tended to encourage the Consumption of all Home-Commodities, which is certainly the true Interest of the Nation. Such a Tax would go directly against this Maxim. Heretofore the Gentry and Nobility of England liv'd altogether in the Country, where they continually spent the Product of the Land; now they all flock to *London*, where their way of Living is quite different from that us'd heretofore, and they do not expend in proportion the third part of things of our Product, to what they did when they liv'd among their Neighbours. The Yeomen and Gentlemen of smaller Estates are now, generally speaking, the only

only constant Residents in the Country. If an Excise should come to raise the Price of all things, how shall these men maintain their Families? And if they put them off, or diminish them, who shall spend the Growth of the Lands?

*It will fall
hard on the
Farmers.*

*Great
Brewers
the only
Gainers.*

It is evident, this Tax will fall very hard every where upon the poor Farmers; and those who are best able to pay it, will be most spar'd. For example; if an Excise should be laid upon Malt, where will the Burden lie? The Price of it will certainly sink in the Country, for want of Consumption, by reason of the new Imposition. The Brewers in great Cities and Towns, such as *London, Bristol, Exeter, Norwich, &c.* will be the only Gainers, since they will buy their Malt cheap, and sell their Drink as dear or dearer than before; and the poor Farmer must bear the Loss, which will quickly be the Cause of throwing up the Lands in all parts of the Kingdom.

But another thing which, I confess, with me is of the highest weight, is this: We know the Safety of the Nation depends upon the Liberty of Elections of Members to Parliament. The Excisemen go already a great way in many Corporations, by their Interest in Inns and Alehouses, in influencing the Elections to Parliament. What then do we think they will do when they have an Interest in every private House? If there were no other Objection against Taxing by an Excise, I should think this one abundantly sufficient, with any Man that knows how much the Being and Well-being of the Nation depends upon Free Parliaments, and consequently upon the intire Liberty of those who are Electors, in giving their Votes.

*Taxes high
in Holland.*

*Charges in
gathering
an Excise.*

If such an Excise should not be general at first, yet when once that way of Taxing is brought in, it will quickly grow general: If it be laid one time upon some Commodities, it will next time be laid on others. All we have, will come to be exciseable; and it will be with us at length, as it is at *Amsterdam*, where (to use the words of one who has lately written in that Country) a Dish of Fish, with its Sauce, before it be serv'd up to the Table, pays Excise thirty several times. And this indeed ought to be consider'd the more, because of those in our Court and Councils, who have been bred up in *Holland*, where every thing is tax'd.

One thing more I must add, which is, That no Tax whatever is so chargeable in the gathering, as an Excise: That which is laid already upon Beer and Ale, costs above 80000 *l. per annum* in Collecting; and if there should be a general Excise rais'd, it would come to near three times that Sum.

My chief Design in writing this Paper, was to shew the Danger of granting an Excise by Act of Parliament, which I hear discours'd of in several Parts of the Kingdom, as a way which will be offer'd by some to support this War, tho it was debated and rejected the last Session of Parliament. Perhaps there may be some, who do not sufficiently apprehend the dangerous Consequence of this manner of Taxing; and for their Service it is, that I set down my thoughts upon this matter. No Man in *England* is more thorowly sensible than I am, of the necessity of carrying on this War. I am of Opinion, that the Liberty of this Nation, the Preservation of this Government, and the Security of the Protestant Interest throughout *Europe*, do mainly depend upon the Success of it. I have shew'd, that it is impossible to go on with it, without giving great Sums of Mony; and I am heartily for giving those Sums, when our Representatives shall know what they are, by having an exact State of the War for the next year laid before them, which I presume will be their first Care. This is reasonable and necessary, and more than this cannot be desir'd: Only we would have the Taxes so laid, as when the Necessity of Taxing ceases, the Taxes may cease with that Necessity.

*Irish forfeited
Estates promis'd
to the Publick.*

There are other ways of raising Mony besides a General Excise. The *English* Nation has now, at the expence of its own Mony and Blood, reduc'd *Ireland*; Must none of the Lands of those Rebels, after all, be apply'd to the Charge of this War? Is all that has been said and declar'd in Parliament, upon that Head, to no purpose? Must the *Irish* Papists be again restor'd to the possession of their Estates, and so this Kingdom not only brought under the necessity of maintaining a great Standing Army, to keep them from rising and cutting the Protestants Throats; but likewise be defeated of the Lands, which they were made believe should serve in a great measure, to reimburse them for the prodigious Sums that have been advanc'd for the reducing of that Country? I hope the Wisdom of the Parliament will take that matter into Consideration, and not suffer themselves to be frustrated of so great a Sum of Mony, as those *Irish* Lands will yield; which, if they were expos'd to Sale, would find Purchasers enough, at such kind of rates as they were formerly sold for upon the like occasion; and the Mony which should arise from them, would

would serve for a Fund to defray a great part of the next year's expence of the War.

It were better to return to the Chimney-mony, than to load the Nation with this new Excise. I do not say that ought to be done, for I think it absurd and dishonorable, after having taken off that Burden so lately, with so much pompous Ostentation and Expression of Desire to gratify the People, to lay it on anew; that would have a very ill Look. But yet, I think, supposing such a Necessity, it were Wisdom, of two Evils to take the least; and rather return under the pressure of an old Burden, than submit to a greater, and run so great an hazard as that of settling a Revenue; which if continu'd, might give Opportunity and Encouragement to ill Ministers of State to attempt, and perhaps achieve Designs like those, which we tell the World were the Cause of our joining in the late Revolution.

There are Commissioners of publick Accounts, sitting by Authority of Parliament, to examine how the Treasure of the Nation has been laid out for these last three Years. It will be seen in this Report, what immoderate Pensions have been granted, and to what kind of Men; and what incredible Sums of Money the Nation has been cheated of, by those employ'd in Civil and Military Trusts. I do not know why such People should not be oblig'd to refund; and if there be care taken for the future to prevent such Abuses, the Sums of Money which must be rais'd for the Defence of the Nation, and the Support of the Government, will be very much lessen'd.

There will doubtless be many Proposals made in Parliament, of different natures, for Ways and Methods of raising Money. Whenever there is occasion for a Tax, there is always great variety of Projects of that kind. But when all is done, I humbly conceive, there will be nothing upon the whole matter found so safe, and so much for the good of the Nation, as a Land-Tax. Other things may help, but this will be the main Resource: 'Tis true, this will smart while it lasts, but we are sure to have an end of it. The Members of Parliament themselves will be oblig'd in interest to take it off, when the Occasion ceases; and besides, the Freeholders of *England* will never endure the continuance of a Land-Tax, longer than there is an evident Necessity for it. This is the way which our Ancestors walk'd in upon these Occasions, and this is the safe and sure way.

It has been laid down in Parliament as a good Rule, to support the Government in time of Peace, by Taxes upon Trade; and in time of War, to have recourse to the Land, because that Tax will not be in danger of being continu'd when the War is over.

I do not decide which of the two sorts of Taxes upon Land is best, the Monthly Assessment, or the Pound-rate, which likewise comprehends personal Estates, as far as they can be discover'd. I know Opinions are much divided upon this point: The Associated Counties, and some others, are much for the latter of these Taxes; the North of *England* and other parts for the former. Such a Question is too nice to be handled by a Man without Doors: The Choice must be determin'd, in this difficulty, by the Wisdom of the Parliament. But one thing, I think, all are for, the preserving of the Constitution, and the maintaining our Liberty, for the sake whereof all this Money is to be rais'd; and that is all which I am pleading for. Let no Man be misled, by a pretence of Convenience, or disburdening his Land in this way of Taxing, all those are mistaken Arguments. And tho they were not so, tho all the Conveniences in the World were to be found in this new method, tho there were ever so great ease to our Lands in it; yet the single consideration of what the Nation hazards in giving a Revenue, that probably will never be discontinu'd, and the Danger to which the Liberties of the Kingdom will be expos'd, if ever the Crown shall be rich enough to govern without Parliaments, is abundantly sufficient to over-balance whatever can be alledg'd to the contrary from Topicks of present Ease, or private Interest. The Constitution, the Constitution is our Happiness. Let any Inconveniences be submitted to, rather than that brought into danger. We stand upon a needless point, the Revenue of the Crown is so very high already, that one remove more does our Business. *England* can never be undone, but by its own Consent; have a care then of giving that fatal Consent. We have hitherto been the Envy of all our Neighbours for our Liberties, and the Privileges we enjoy; the greatest of which, is being govern'd by Laws made by our own Representatives. All we have is owing to the preservation of Parliaments, and making their frequent Meetings necessary. Let Taxes be laid so, that they may cease with their Cause, and so Parliaments may not become unnecessary.

Chimney-mony propos'd.

Several ways of Taxing propos'd.

I shall stop here, and say no more concerning a Land-Tax, because this Paper is too long already, and because my chief intent in writing it, as I said before, was not so much to urge Arguments for a Land-Tax, as to offer some Considerations which might shew the Danger of a General Excise.

Printed a-
bout Nov.
1692.

Some short Considerations concerning the State of the Nation.

Written by John Hamden Esq;

A DAY being appointed by the House of Commons for considering the State of the Nation, before the Day which they have set for considering the King's Speech, we are encourag'd to hope that they intend to proceed with great Deliberation and Caution in their Debates concerning the weighty Matters which now lie before them, greater than which never lay, nor can lie before any Parliament; and such, as that the Measures taken upon them must determine the Happiness or Misery of this Kingdom, the Preservation of our Religion, Liberty and Country, or the Ruin of all.

Perhaps there never was any time in which it was more necessary to join Heads and Hearts for the Service of our Native Country, that so a safe and effectual Method may be agreed upon to bring the Nation through the great and many Difficulties it labours under, to attain the End which was propos'd in the late Revolution, and in that War in which we are engag'd for the Defence of all that is dear unto us, against those who are the sworn Enemies of our Religion and Country.

Greatness
of the Na-
tion's Dan-
ger.

'Tis plain, the Evils and Dangers which press us are great and numerous, and we acknowledg the Parliament (which is our great State-Physician, and, under God, the Remedy of all our Ills) has already given a singular Instance of their Wisdom and Care of the Publick, in appointing a time to consider the State and Condition in which we are.

'Tis impossible to cure a Distemper till the State of the Patient be known. Matter of Fact must always go first: 'Tis in vain to imagine or propose Expedients for our Relief, till we are fully inform'd and agreed what our Case is; and when that is well understood, the nature of the Disease will naturally lead to those Remedies that are most proper. This order of proceeding has always been practis'd in our Parliaments, who never mistook when they would give themselves the time thorowly to examine the state of things before they came to a determination. Precipitate Counsels have often done us great mischief; but when Matters of great Importance have been freely debated and clearly understood, before any Resolution was taken, the End has never been otherwise than happy.

The Power
of the Eng-
lish Repre-
sentatives.

There is not a body of Men in the World, who have so noble a Trust repos'd in them, as that which is in the House of Commons from the People of *England*. Our Neighbours the *Dutch*, tho they send Deputies to their States to manage their Publick Affairs, yet limit them with Instructions and Orders beyond which they cannot go: and if any new Matter of debate arise in the Assembly of their States, the Deputies can do nothing till first they go or send to their Towns for new Instructions. And the same I might say of Limitation of Trusts and Powers in other Governments, where Deputies are appointed and authoriz'd to act in the Name of the People. But in *England* the Case is quite otherwise; the People of this Nation do intirely put themselves and their whole Concerns into the hands of their Representatives in Parliament. They have no distrust of them, and therefore put no manner of Shackles upon them; but taking it for granted they will employ their ut-
most

most Skill and Wisdom for their Good, they frankly entrust them with their Power, Purse, and all other things wherein the Strength of the Nation consists; that being cloth'd with so great and unbounded an Authority, they may be the better enabled to direct the Money, Men, Arms, Shipping, and all other Advantages of the Nation, to the Defence, Safety and Preservation of the whole, the Care of which is their proper Province.

The greatness and frankness of this Trust from the People to their Representatives, is the highest Obligation imaginable upon all Members of Parliament to lay out themselves with the utmost Industry and Application for the Service of those by whom they are thus entrusted. And this Obligation is at this time greater than usual, since his Majesty has been pleas'd so graciously in his Speech, at the opening of this Session of Parliament, to demand the Advice and Assistance of the two Houses in the Measures which he is to follow.

*Great Trust
repos'd in
them.*

If this Parliament should separate what the King has so wisely join'd together, and should either give Assistance without Advice, or Assistance before Advice, our Affairs are ruin'd and the Nation is undone. The Order which the King has prescrib'd is the only one that can reasonably be follow'd. Counsel must go before Supplies, and Consideration before Counsel. Since the King puts himself so generously upon the Advice of his Great Council in this Exigency of Affairs, 'twere an Injury to his Goodness and Sincerity, to doubt whether he will follow it when it is given; and the more maturely he sees things examin'd, stated and debated in the beginning of this Session, the more reason he will have to follow Advices grounded upon such Deliberations.

The thought of this inclines me to set down some few Reflections upon the State of the Nation at present, which is the thing now in question, and must be the Ground-work of whatever can reasonably be done afterwards. If we can come but once to a right understanding whereabouts we are, and what our Condition is, it will not then be difficult for us to know what we have to do: But if through want of Consideration, or through Misinformation, or for any other Reason whatever, we neglect the discovery of our true Dangers and Difficulties; or if we palliate or cover those Wounds which can never be cur'd unless they are first search'd to the bottom, there is little hope of our being sav'd, and (which is the most killing thought of all) we must acknowledg our selves to be the Authors of our own Ruin.

*The State
of the Na-
tion.*

The first thing which occurs to me, when I consider the State of this Nation, is, That we are in a State of War; and here I propose to consider both against whom, and for what Ends it is that we make this War.

*In a State
of War.*

The Enemy with whom we have to deal is the French King, who is not only our Enemy, but, in some sort, may be said to be the Enemy of Mankind. If there be any thing dear and valuable to Mankind, he has given the Example of tearing and ravishing it from them, without the least pretence or colour of Justice; if there be any thing sacred and binding, if Contracts and Engagements have any Force or obliging Virtue, 'tis he that has grounded his whole Politicks upon infringing and trampling upon those sacred Ties, both with his own Subjects and Strangers. It has been the Design of his whole Life to establish in Europe what they call an Universal Monarchy; which may more properly be call'd, the enslaving of all Europe. We know and can prove the Particulars of his Private Treaties with both our late Kings, for the extirpating the Remainers of Liberty out of the World, by destroying the Governments of England and Holland, which were look'd upon by him as dangerous Examples of the Peoples pretending to Rights and Privileges, and putting Restrictions upon Regal Power.

*The Fr. K.
the Com-
mon Enemy
of Man-
kind.*

As to our Religion, we know his Rancour against that, by the Cruelty we have seen him exercise upon his own faithful and innocent Subjects, merely because they would not quit the Profession of it. His hatred to all that bears the Name of Protestants, is inveterate and invincible. 'Tis he alone that maintains our late Abdicated, Fugitive King against us; and who, by restoring him again, would reduce all our Miseries, and engage us in new ones too great to be thought on without the utmost Horror.

And as his Malice against us is great, so his Power is every way answerable. His Armies are the most great and numerous that at any time were ever on foot in Europe. His Generals and Officers consummated in the Trade of War. His Fleets which were lately inconsiderable, are now, by the Treachery of our late Kings, grown so powerful, that he is able with them to look England and Holland in the

*His great
Power by
Sea and
Land.*

face at the same time. There is no hope nor prospect of any safe Peace to be made with him, unless we can destroy and ruin his Power at Sea, and by cutting off all manner of Commerce between him and our Neighbour States and Princes, put a stop to those Supplies of Stores and Provisions for his Armies, which enable him to carry on the War: For if we should rely on the Faith of any Treaty whereby he might endeavour to deceive and lull us asleep, we should then indeed deserve neither Help nor Pity, since his Perfidiousness and Perjury are so universally known, that no one now expects he should observe any Promises or Engagements, any farther than he is sway'd by his own Interest and Advantage. This Enemy, thus Potent, thus Malicious, thus False is he with whom we have our present War.

*Causes of
the present
War just
and neces-
sary.*

The Causes and Ends of our War are both just and necessary in the highest degree: Self-defence, the maintenance of our antient free Government, the asserting our Rights and Liberties; and above all, the preservation of the Protestant Religion against Popery and Idolatry, These are the Ends for which we first declar'd, and for which we are now prosecuting this War. In a word, our business is to make good the Revolution which we have compass'd, and that for no other End but to maintain our antient Rights and Liberties deliver'd to us by our brave Ancestors, which were so unjustly invaded in the last Reigns, and for the saving and recovery whereof, we have both undertaken the War with *France*, and made the present Establishment. So that it appears we are engag'd in a necessary War with an Enemy, who must be subdu'd, or we our selves intirely ruin'd in all respects; and this Enemy so powerful and so politick, as that our utmost Strength, Wisdom, Integrity and Resolution, are requisite to manage the War against him with hopes of success. This, in short, is our Case in reference to the present War.

It comes next to be consider'd, in what State and Condition we are for the carrying on this great War, which has already lasted almost four Years, and is like still to last much longer, and at length to end unhappily, if effectual Measures be not taken by the Parliament to manage it in such a way, and for such Ends as are consistent with our Ability, present Condition, and true Interest.

I must here make a melancholy Picture, which cannot but be very disagreeable to all good *English-men*; but 'tis necessary the Truth should be known, and our Condition truly understood by our Representatives, in whose prudent Counsels, next under God, we place the hopes of our Safety and Deliverance from all our Dangers. If this be not rightly known, they will proceed upon false Suppositions, which must certainly prove fatal to us in this great Juncture. And therefore I shall mention some few of my farther Observations, in reference to the State of the Nation, without fearing to give offence to any one by touching upon Truths which are but too obvious, and must be consider'd if things be intended to be put upon a right Bottom, and the Nation sav'd.

*The Nation
in a State
of Decay.*

*As to Ship-
ping.*

I am afraid then that we are not only in a State of War, but also in a State of Decay and Consuming, and that in many respects.

1. As to our Shipping. 'Tis incredible what Numbers of Ships we have lost since the beginning of this War. Can any Man say he knows the State of the Nation at this time, or pretend to go about to redress it, unless he be first rightly inform'd of this Particular? 'Tis a very easy matter for the Parliament to know it if they please: For the Merchant-Ships (of which it is said we have lost two thousand already) 'tis but sending to every Port (which may be done thrice a week by the Post) to know from them, exactly and distinctly, how many Ships have been lost from each of them; and a true account of this may easily be had in a very short time. The loss of Men of War will be known from the Commissioners of the Admiralty without difficulty. And this certainly is a Point that must not be omitted, when the Parliament has the State of the Nation under consideration.

*As to Sea-
men.*

2. Another Complaint of Decay at this time, I doubt, may too justly be made in reference to our Seamen: The occasion of this Decay is this; We have indeed Acts of Navigation, and one would think our own Interest should incline us sufficiently to imploy our own Men in Matters of Trade: yet there is so great opportunity given to employ Foreigners, by want of Convoys, and the breeding of Seamen being interrupted by the loss of so many of our Ships, and giving up the Bank-fishing, and *New-found-Land* fishing, in a manner intirely to the *French*; that our Trade insensibly slips from us, our Merchants are disappointed and undone, and our Seamen discouraged and diminish'd, in whom notwithstanding consists the true Strength and Safeguard of this Island. This must be inquir'd into, and the Fault charg'd by
the

the Parliament where it is due, before they can say they have a right understanding of the State of the Nation.

3. A third Instance of our decaying Condition is in our Trade. Not to mention ^{As to our Trade.} again the prodigious number of trading Ships taken by our Enemies, and the discouragement of our Seamen by employing Foreigners, it is well known that all Nations now drive on a free Trade with *France*, and we alone are excepted from that Benefit; while on the other hand we bear three parts in four of the Charge of this War. The *Swedes*, *Danes*, *Portuguese*, *Venetians*, and others, take off the *French* Goods as openly as ever; and the two former supply them with Ships and Naval Stores. The *Spaniards* in the *Netherlands* maintain as open and regular a Trade with them as in the time of full Peace, without so much as a Disguise, or the least pretence of a Disguise, tho we know they cannot subsist one moment without us; and therefore we may put a stop to such Abuses and destructive Practices whensoever we please. Those who know the Condition of *Denmark*, know likewise that we might easily have hindred the Supplies that have gone from thence to *France*; but tho that were often advis'd and press'd, yet nothing could be ever procur'd to be done. The *Dutch*, who pretend to be so closely united with us in Interest at this time, have private Factors every where carrying on a Trade with *France*, in the name of other Nations, while we alone lose the benefit of that Trade, which the rest of the Allies divide among them. This must be consider'd and examin'd, as one principal Branch of the present unhappy State of the Nation.

4. Another proof of the Decay we are under, is the loss and diminution of our ^{Decay of the Coin.} Treasure, of which the King takes notice in his Speech; and this proceeds not only from hiring Foreigners for Convoys, and foreign Importers, who carry away the Mony that should be divided among our *English* Seamen and Traders, as was said before, but principally from those vast Sums which are sent *in specie* to pay our Land Army, little of which ever returns into *England* again; and that which does is so clip'd and lessen'd that it will not pass; and from some of it I have heard it confidently affirm'd, there is no less taken than four or five Shillings in the Pound. 'Tis certain that every Nation has but such a certain quantity of Bullion, some more, some less, actually existing and being at one time within the Country: If that circulates and goes from hand to hand, whatever Losses private Men may sustain, the Publick will never the more be impoverish'd. If the Stock be increas'd, and the Coin augmented by Trade, the Nation in proportion must needs grow richer. But if that Stock be every day visibly and considerably diminish'd, by taking from it, and sending what is so taken to places from whence it shall never return, without any other way to make equal Amends for so considerable a diminution of Mony and Treasure, it is plain that such a Country must fall apace into Poverty, which draws all other Miseries at its heels; for Silver and Gold are the Nerves of War and all other business. Those who go into the several Counties of *England*, hear the Complaints that are made for the want of ready Mony: and Landlords, who have so much difficulty to get Rent from their Tenants, need no Arguments to convince them of the Truth of that Complaint made by the King in his Speech as to this Matter. This is another part of our Decay to be consider'd and remedy'd.

5. Another Point of Decay which I shall touch, and but just touch (tho it be the ^{Loss of Men.} most important of all) because it is an individious Point, is our Loss of Blood. 'Tis true, Blood is like Water spilt on the ground, when once 'tis shed it cannot be gather'd up again: But however 'tis good to look backwards, and reflect upon these things in our Mind, that at least the serious consideration of what is past, may enable us to take better Measures for the future, and our Representatives to give safe and faithful Advice to our King, which is the ultimate Scope and End to which their present Debates ought to be directed.

Our Strength consists mainly in three things, our Shipping, our Treasure, and the Bodies of our young and vigorous Youth, which are the immediate Defence of the Nation both at Land and Sea. If these are in a decaying condition, we must decay, and at length expire with them: Therefore this must be consider'd under the Head of Decay. I shall not say how many Lives have been spilt for the Reduction of *Ireland*, and how many of them might easily have been spared, if things had been rightly manag'd at first; nor how many of our bravest Men perish'd in the Action at *Steenkirk*, for want of being sustain'd as they might and ought to have been: But surely these things are fit to be examin'd by the Parliament, when they are sitting upon the State of the Nation.

Now to leave this Point of Decay, and to name but one more at present, in reference to the State of the Nation, I say we are absolutely in a State of Unsettledness in all respects, which must needs be very dreadful when we have such a War upon our Hands.

The Nation
unsettled in
Govern-
ment, as to
the King's
Title.
Jacobi-
tism pre-
vails.

1. We are intirely unsettled as to the Government. The King's Title, and the Legality of it, are as publicly disputed, and with as little fear of Punishment, as any Point of Natural Philosophy in the Schools at *Oxford*, or any moot Case of Law by the Students in the *Temple*. Is not this an unsettled Condition with a witness? The *Jacobites* maintain every where that King *James* has a good Title still; and that all that was done by this Nation in deposing him, and setting the Crown upon K. *William's* Head, was void in it self; and that no subsequent Consent or Submission of the Nation can legitimate an Authority set up at first upon so unjust a Foundation: and yet we do not see even any of these Men made Examples. Others who pretend to submit to this Government, do yet openly renounce and impugn the Principles and Grounds upon which it was set up by the Nation. They will suffer no mention to be made of the Original Contract broken by King *James*, nor of that new Contract made by King *William* with this Nation, in virtue whereof he is this day King of *England*. But instead of this, they write Books and publish them, one while to prove that he is King by Conquest, another while to prove that he is King by an immediate Providence of God, and Direction from him; both which are equally destructive to the Nature of our Government, and to all the Ends propos'd to be compass'd in the Revolution. And when these Books come out, we see one of them licens'd by one Secretary of State, and another by another Secretary of State, which is as much Authority as can be given to the Writings of any private Men. These things fill the Hearts of the People with Distrust, Fears and Jealousies, and do so distract them that they know not where they are. If we are conquer'd, we have no more Laws nor Liberties at all but as the Conqueror pleases. If God's immediate Hand have placed the King in the Throne, all Contracts and Stipulations vanish, and the Peoples part in establishing this Government comes to nothing: Nor can the Limitations they think they have put upon it for their own Good and Safety, be of any force. And then what Interest can they have to defend it? When Men see the Marks of Publick Authority affixed to these vile pernicious Libels, they know not what to think, or which way to turn themselves; it quells and dashes them to that degree, that they have no more Heart nor Alacrity to appear and act for the Common Cause. Sure this is fit for the Inspection of Parliament, when they are upon the State of the Nation.

Abjuring
Bills de-
clin'd.

There have been Bills and Declarations offer'd several times in Parliament for abjuring King *James's* Authority, and declaring King *William* and Queen *Mary* lawful and rightful King and Queen of this Realm; but nothing of this kind has ever yet been brought to perfection. How can we think our selves in any sort of Settlement, so long as this remains undone? It has always been the Custom, both in *England* and other Countries, when Princes, Families, and Forms of Government have been laid aside for their Tyranny, Male-Administration, or even but any Politick or Prudent Reason, to cause the People to renounce and abjure them, at the same time that they took their Oaths of Fidelity to the new Government, establish'd in the room of that which was laid aside; and without this the new Government never thought it self secure, nor could think so: for while the Peoples Allegiance is not fix'd upon one and the same Government, the Kingdom must be divided; and we know a Kingdom divided within it self cannot stand. Nay even where there was no actual Change made, but only in Prospect and Futurity, yet there the People were oblig'd to declare themselves absolv'd from any Obligation of Obedience to those who were laid aside.

Of this we have several Examples in the several Changes which were made in the Succession, by Act of Parliament, in *Henry* the Eighth's Reign; and the like has been always done in all other places. When the *Tarquins* were driven from *Rome*, were not all the People oblig'd solemnly to renounce them and their Government for ever? And to give no more Instances, was not the same thing done in *Holland* in the last Age, when the *Dutch* rescued themselves from Slavery, by throwing off the *Spanish* Government, and setting up a Free Commonwealth? Will our Condition be less miserable than theirs was, in case our abdicated King *James* should return upon us, and be replac'd in his Throne by a *French* Army? Are the *French* more merciful now than the *Spaniards* were at that time? or rather would they not act a thousand times more Cruelties here if they should prevail upon us, than the former

former did in *Holland*, having a threefold Pretext for their Violences against us, since they would, at the same time, look upon us as Hereticks, as Rebels, and as a conquer'd Country? Ought we not to use the same prudent Means to secure our Government, and to discern those who are for it in Principle, from those who comply with it only from Fear and Interest; which have been practis'd by other wise Nations, and so often by our own, upon the like occasion? But instead of this, whenever any thing of that kind has been brought on, it has always been defeated by those whose Masterpiece it has been, ever since the late Revolution, to keep all things in suspense, as they hope still to do, till they can find an Opportunity to bring back their old Master, to whom they will value themselves upon their Dexterity, in keeping off a thing that would have been so much to his Prejudice. And their treacherous Insinuations did so far prevail, where one would least have expected it, that those who of all others should have desir'd such an Abjuration, and should never have thought themselves safe one minute till it were enacted, were brought to believe it to be against their Interest, and to oppose and counter-work it in Parliament as much as they could; insomuch that a Gentleman of the House of Commons being ask'd, whether he would be for the Abjuration? answer'd very ingenuously, No, he did not desire to displease two Kings at once.

'Tis astonishing to think, that the Officers in the chiefest Trusts of the Nation are not oblig'd to own this a lawful Government, as it is declar'd and asserted to be in the Bill of Rights. And it is the more astonishing, no such Provision should have yet been made by the Parliament, for the Security of the Government, because several of those who have now the greatest Employments and highest Trusts in the Kingdom, did, both before and after the time of presenting the Crown to their Majesties, openly declare and maintain it as their Opinion, both in Parliament, and upon many other Occasions, that their Majesties were not, nor could not be made lawful King and Queen, but were only so *de facto*, and as such they submitted to them, and no otherwise; which I believe is the first and only Instance that can ever be produc'd, either out of antient or modern History, of Ministers and Officers of State, who openly and publickly maintain'd, in set Speeches, in the Assembly of the States or Representatives of a Country, that the Prince whom they actually serv'd had no just or legal Title. This is such a sort of unsettledness, as never was any where but in *England*, nor never there but at this time only.

But to consider the State of the Nation farther in this respect; We are not only in an unsettld Condition in reference to this King's Title, but likewise in reference to the antient Government it self, and the time of holding Parliaments. The antient Law of *England* is indeed clear and plain enough in this matter: but it has been so obscur'd by the illegal Practices and Judgments in the late Reigns, that we cannot be thought to have any manner of Settlement, till this great Point be clearly settld and determin'd. Indeed there is mention in the Bill of Rights of frequent Parliaments: but this is so general an Expression, and so liable to doubtful Interpretations, that we can receive no assur'd Benefit from it. Our Government cannot in any sort be thought to be settld, till the Manner and Time of calling Parliaments, and their sitting when call'd, be fully determin'd, explain'd and agreed on. Without this we are but *Arena sine calce*, our Government is but the Embryo and Rudiments of a Government, a Government only in *Potentia*; and there can be no real Settlement till we know and appoint, with certainty, the times of calling, holding and sitting of Parliaments. The different Methods taken by our late Kings to destroy our Constitution, and enslave us, either on the one side, by depriving us of Parliaments intirely, and in the absence of them, governing us by Will and Pleasure (which was the Case in King *Charles* the First's time) or on the other side (which was equally destructive to the Nation, and its Liberties) by keeping one and the same Parliament so long on foot till they had time to corrupt the Majority of them by Offices, Gifts and Pensions (which was what was practis'd in the time of King *Charles* 2.) I say, these different Methods of our Kings to disappoint us of all the Good we hop'd from Parliaments, have made it absolutely necessary to come to a clear Settlement in this matter, without which 'tis a Jest to talk of a Settlement. And this is certainly the true time to get it done, now that the Crown has need of such great Sums of Mony, and that the King asks so frankly the Advice of the Parliament for taking such Measures as may be for the good of the Nation; and it is not sufficient to answer, that we have now so good a King, that we need not fear but we shall have Parliaments as often, and in such a manner as is most for the good of the Kingdom. For the best Kings are mortal, and it is in the Reigns of

good Kings that good Laws must be made, or not at all. And there is no doubt but if the Parliament lay this matter before the King, with the Reasons that oblige them to desire it, his Majesty will be prevail'd upon by them to consent to a thing, which is so indispensably necessary to the maintaining that Constitution, and those Liberties of the Nation which he came over to assert and vindicate.

Case of the
imprison'd
Lords in K.
Ch. 2 time.

To shew how unsettl'd we are as to this great Point of Parliaments, I cannot but mention the Case of those Lords, who were under an Impeachment of the House of Commons in the end of King *Charles* the Second's Reign, and had been committed to the Tower by the Lords in order to their Trial, where after they had been four or five Years without a Trial, for want of a Parliament to try them, they were bail'd out of Prison by *Jefferies*, and the other Judges of the King's Bench in *Michaelmas* Term, 1683. This was contrary to all Law and Privilege of Parliament, and therefore they were several Years before they durst venture upon it; but at last the Judges of the King's Bench undertook it: and when they came to do it, the reason they gave was, that it being intirely in the King's Power when to call a Parliament, which he might keep off as long as he pleas'd by his Prerogative Royal, notwithstanding the Laws for annual Parliaments; and it being uncertain whether he would call one or no, since he had not done it for several Years before that time, it could not be the Intention of the Law to keep Men without Trials in Prison all their Lives, which, for ought they knew, might be all ended before the King would think fit to call a Parliament. And therefore they thought they had Power to relieve Men in such Cases; and accordingly they let out those Prisoners under Bail, who have ever since continu'd to be at Liberty, both before and since the Revolution. These Discourses of the Judges of the King's-Bench were taken in Notes by the Lawyers, and will doubtless appear in any of their Reports that shall be printed, as the unanimous Opinion of all the Judges of that Court; and the Order of Court, which was made for admitting those Lords to bail, in pursuance to that Principle and Maxim of the Judges, that it is in the King's Power to keep off Parliaments as long as he pleases, is a standing Testimony upon Record, that our Constitution, as well as our Laws, is intirely in the King's Breast, and that he has the Prerogative of governing us without Parliaments always, or as long as he pleases. While such Points as these remain unsettl'd, and such Precedents uncondemn'd, 'tis plain our Government is altogether without Settlement; and that whilst the holding of Parliaments is precarious, and absolutely depending upon the Pleasure of the Crown, there can be no Safety for the Life, Estate or Liberty of the *English* Subject.

Quartering
Soldiers in
private
Houses.

2. Thus it appears, as one part of the State of the Nation, that we are in a Condition of Unsettledness in reference to the Government: But we are farther in a very sad unsettl'd Estate in many other respects. We are unsettl'd as to the quiet Enjoyment of our own Houses. There are Precedents lately made, both in publick and private Houses, of quartering Soldiers, contrary to the antient Law, the Petition of Right, and the expresse Letter of the Act of *Car. 2*. And this is the less excusable, because there was a Bill past the House of Commons last Sessions, to enable them to quarter their Soldiers, and to regulate the manner of it: but there were some things in the Preamble of that Bill which displeas'd some People; and therefore it was thought better to quarter them without Law, and against Law, than to suffer a Bill to pass which had some Clauses in it that seem'd to put too much Restraint upon Prerogative. If such Oppressions and Invasions of the Liberty of the Subject are let alone without Remedy, 'tis to little purpose for Parliaments to meet to consider the State of the Nation, or to pretend to make any Provision for our Safety. And the truth is, this cannot be remedy'd but by a new Bill of Rights, declaring again the Right of the *English* Subject in this behalf.

Taking
Transport
Ships with-
out Funds to
pay them.

3. The same may be said in reference to our Property. We are likewise in a very unsettl'd Condition in that respect. For this, I shall only at present give one Instance, which is that of seizing the Subjects Property for Transport-Ships, without settling any Fund to pay them, as has been made out before the Commissioners of Accounts, by which many have been oppress'd and ruin'd.

Trials lia-
ble to Un-
certainty.

4. But further, We are in an unsettl'd Condition as to our very Lives. There is no Man ignorant of the barbarous Proceedings in Trials for Treason in the late arbitrary Reigns. Men were condemn'd and executed upon the Evidence of single Witnesses, upon Papers not prov'd to be their Hand-writing, by Innuendo's and far-fetch'd Constructions; all the benefit allow'd them by the Laws was deny'd them, illegal Juries pack'd upon them; and the Laws which had been provided by the Wisdom of our Ancestors for the Defence and Security of the Subject's Life, were by

by perverse and false Constructions, put upon them by corrupt and mercenary Lawyers and Judges, made use of to murder and destroy the best Men we had. The remedying of this great Evil was declar'd to be one of the main ends of the Revolution. And yet things are still at this day in the same Condition, in that respect, as they were before the King came into *England*. The Lives of the Subjects are in as much danger as ever, since there is no manner of Security yet provided against the open Violations of Law in the last Reigns. Nay, the very same corrupt Opinions are now deliver'd for Law, which King *Charles* and King *James's* Judges were infamous for. For it is but few days ago that some of the Judges declar'd, in the Lords House, that one Witness to a principal Treason, and another to a Circumstance, was sufficient to convict a Man that is indicted for Treason; which was the worst of all the Opinions deliver'd upon the Bench by the late Chief Justice *Jefferies*. If these Doctrines are suffer'd to pass for Law amongst us, our Revolution indeed is to good purpose; and yet there is not hitherto any Provision made to the contrary. Can our Parliament, when 'tis upon the State of the Nation, suffer us to continue unsettl'd in such Points as these are?

5. Another Particular in which we are at this day as much unsettl'd as in any of the rest, is, the way and manner of defending the Kingdom against our Enemies. ^{No Militia settl'd.} Whenever we are frighted with the Noise of a *French* Descent, our Militia is rais'd, to the vast expence and burden of the Kingdom; but 'tis so unexperienc'd, undisciplin'd, and compos'd of such Persons, that it can never be any real Defence to the Kingdom in time of Danger. There is indeed no Militia settl'd, but what is burdensom and useless. Several Bills, 'tis true, have been offer'd to this and the last Parliament for putting the Militia upon a useful foot to the Kingdom, but they never came to any thing, being always oppos'd and defeated by those who thought it more for their purpose to have a regular standing Force kept up. Our Ancestors were a Warlike People, and it was the Policy of those free and honest times, to keep all the People of *England* to the Exercise of their Arms; and for this purpose there were divers Laws made, which were duly and constantly executed, by which means all the Men in the Nation, who were able to bear Arms, were perfectly well-disciplin'd, and enabled to defend their Country in their own proper Persons, which is the only true Defence of a free Country. With this sort of Men, drawn together as occasion requir'd, our Ancestors conquer'd *France* several times over: and with this sort of Men it is at this day that the *Suiss* defend their Liberty; no Power in *Europe* daring to invade, or attack a free Nation arm'd and disciplin'd in its own Defence, and which fighting for it self, can neither be corrupted like an Army of Mercenaries, nor enter into Designs against its own Liberty and Happiness. When our old Laws are reviv'd (with such Alterations as the Change of Arms, and the present way of fighting requires) and our old Discipline restor'd, our Militia will then be significant indeed for our Defence, and not till then. There is one Clause in the Bill of Rights which seems to look towards this, which is, That every *English* Subject has a Right of keeping Arms for his Defence. But this is not enough, the old Laws must be reviv'd, and our Militia, which is at present but a Burden and Grievance to us, must be put into a real Condition of being useful, and a true Defence to the Nation. This is another Point in which, I say, we are wholly unsettl'd, and that is, the way and manner of Defence of the Kingdom; and this is another part of the present dangerous and unsettl'd State of the Nation.

6. Another thing in which we are in a lamentable unsettl'd Condition, is, the ^{Trade lost for want of Convoy.} Course of our Trade, which was touch'd before under the Head of Decay. Our Merchants are ruin'd by the loss of their Ships and Goods, and their best Opportunities of Trade are lost for want of Convoys. Our Seas and Coasts are not defended, and our Natives are forc'd to have recourse to Foreigners to guard and convoy their Ships, who carry away the Mony that should be earn'd and kept in *England* by our *English* Seamen. All Nations are permitted to trade with *France*, and supply them with whatever is necessary for the carrying on this War, whilst we alone lose the Benefit of such a Trade; so that in effect, we make War against *France* alone, and all the World makes War against us. And certain it is, that while the Fountain is so plentifully supply'd with Water from all parts, we shall never be able to stop the Streams: or, which is all one, while the Fire is so constantly fed with Fuel from all hands, we shall never be able to put it out. The greatest and most certain of all our Maxims, at this time, is this, that unless we can put a stop to the ^{France has a free Trade with other Nations.} Commerce of *France* with our Neighbours, and to the Supply of Ships, Stores, and

Other things which they receive from them, we can never hope to bring this War to a happy end. The Price of Corn is excessive high at present in *France*, which causes a sort of Famine in many Provinces of that Kingdom: This is a great Advantage to us; but if we suffer the *Danes*, *Swedes* and *Hamburgers* quietly to supply them with as much Corn as they want, what benefit can we have from this Advantage? The *Dutch* and *Spanish* Bills of Exchange do now run thro *France*, which, besides the Profit the *French* have by it, is a certain way of revealing to them all the Secrets of the Confederacy, since they have the Power of opening all Letters in the Passage. This has been sufficiently represented, and other ways propos'd for the Conveyance of Letters and Bills of Exchange; but such Offers have been neglected, and the same way of sending Letters thro *France*, suffer'd to continue. And since I have mention'd this, I must also take notice of the Trade driven with *France* by the Jews in *Germany*, who send every Year ten or twelve thousand Horses to supply their Army; and the Princes who are our Allies, connive at this Trade for the sake of a little Profit: And then when we go into the Field against the *French* in *Flanders* in the Summer-time, these very Horses are employ'd against us. Thus we suffer our Allies, and all the World, to carry on a lucrative Trade with *France*, while we our selves are forc'd to bear almost the whole Burden of the War, and are thus shamefully made the Cullies of the Confederacy.

Ill Manage-
ment and
Treachery.

The Truth of it is, our present Condition is very miserable and dreadful. If we look upon the War, and the Management of Affairs at home in reference to it, we cannot but see that there is a Vein of Treachery runs thro it, from one end to the other: How else is it possible every thing should misgive and miscarry, as we see it has done? How could all our Preparations this Year for a Descent upon *France*, have been fore-slow'd and retarded as they were, and our Men embark'd, only to cost half a Million, and make us ridiculous to the whole World, unless the hand of *Joab* had been in it? Nay, it does not appear there was so much as any tolerable Scheme, Plan or Design laid for this Descent, which was so much valu'd to the Parliament last Winter, and fill'd the World so much with Expectation all the beginning of this Summer: The time was only spun out, and all things order'd so, that no good Effect should follow; which could proceed from nothing but Treachery in some of those who had the ordering of it. Who can believe that our Victory at Sea this Year should not have been farther pursu'd, if all People employ'd had been well intentionated? Why was there never any examining of Miscarriages, in not pursuing this Victory at Sea, and in not hastning the Preparations for the Descent? In these Cases we have *Testimonium rei, res ipsa loquitur*. There can be but one Reason for such affected and study'd Neglects, as these are. How come we to labour under such want of Intelligence, even in things in which it may so easily be had, and that for so little Mony? The want of this kept out our great Ships last Year longer than was needful, when the *French* laid up theirs. It was that or worse that lost the Opportunity of fighting the *French* last Year, when they came to *Ireland* with only a Squadron. It was want of Intelligence that made our Fleet so backward to go out this Spring. If we had good Intelligence, we had not staid, after we were ready, for the *Dutch* Fleet to assist us, when we were really more in number than the *French*, tho Reports were industriously spread that they had 90 or 100 Sail of Line Ships, and that *D'Estree* had join'd them, which was confirm'd at Court, tho a *Dane* affirm'd he had left *D'Estree* in the *Straits*. We had no notice, for several weeks together, of the *French* Ships got into the Road of the *Haure de Grace*, and their Condition there (tho easy to be had twice a week by Fishermen) till Merchants brought the News to our Secretary's Office.

Delays in
all Designs.

When Orders are to be given out for any Design, there are so many Delays, upon one Pretence or other, that the time of Execution is always over before the Orders are receiv'd. And besides, they are so defective, and in their nature so impracticable (as we have lately seen in the Business of the Descent) that it were better none at all should be given.

None disco-
ver'd or
prosecuted.

Are there any Designs on foot to join with our Enemies, and rise in favour of them, as there was this Summer, when the *French* were coming? Yet no body is found out or prosecuted that was concern'd in it. Every body knew that Horses and Arms were bought, and some were taken. Every County saw that their discontented Men flock'd up to *London*. No body thought the *French* would either provide to come hither, or seek to fight us at Sea, but upon some Ground of Treachery; and yet there could be no body discover'd that had any Correspondence with them. These things are Indications sufficiently plain to any wise Man, where the bottom of all this Mischief lies: But none are so blind as those who will not see. All

All these things put together, make a considerable part of the melancholy and miserable State of the Nation at this present time. If it be ask'd, what shall be done to remove all these Evils? I say, the first Step towards a Cure, is well to understand our Disease; and if the Parliament can be thoroughly sensible of these things, and make the King likewise sensible of them, the very Nature of the Disease will of it self lead to the proper Remedies. Therefore I am humbly of Opinion, that the Parliament should begin by a most humble, dutiful and respectful Address to his Majesty, representing to him the true State of the Nation in its present Circumstances, returning Thanks in the most humble and affectionate manner imaginable for that gracious Expression of demanding the Advice of the Parliament, and assuring him, that neither their Advice or Assistance shall be wanting for maintaining and defending his Person and Government against the Attempts of all his Enemies; as on their side, after what he has said at the opening of this Session of Parliament, they cannot doubt but his Majesty will heartily concur with them in what they shall advise for his Honour, Safety and Greatness, and the Good of the Nation. After this the Parliament will proceed to offer to his Majesty such Bills as may be most proper to remedy the Grievances of which we complain; and at the same time that they give Money for carrying on the War, will advise such Measures as may best enable his Majesty to bring down the excessive Power of France, and at the same time to secure the Happiness and Liberties of the English Nation. If Debates are free and clear within Doors, so as to encourage those without, to hope that there is really a Probability of something to be done for the Good of the Nation, there will be farther Proposals made of such things as are thought most proper and necessary to be done at this time.

An INQUIRY; or a Discourse between a Yeoman of Kent, and a Knight of a Shire, upon the Prorogation of the Parliament to the second of May, 1693.

Yeoman. **S**IR, your humble Servant, I am happy to meet you at this Friend's House, where I did not expect you—Pray, Sir, is the News true, that the King hath prorogu'd the Parliament to day?

Knight. 'Tis very true, we are prorogu'd to the second of May next.

Yeom. Were all your Bills pass'd that were agreed on by both Houses?

Kt. I wish I could tell you they were.

Yeom. I hope, Sir, the King hath not refus'd any publick Bills?

Kt. Which are those you call Publick?

Yeom. Truly, Sir, those two wherein the Country reckon'd themselves most concern'd are, *That for securing the Foundations of the Civil Government, by such a constant Succession of new chosen Parliaments, that their Deputies by their long continuance in that Trust, may not be in danger to be corrupted, by Offices, or private Interests: And, That for preserving our Property in our Lands and Mines, against the Pretences of a Royal Prerogative, to take away our Mines and Oar, tho we have spent most of our Estates to discover the Mines in our Lands.*

The Bill for frequent Parliaments.

Kt. I am sorry to tell you, that those are the two only Bills to which his Majesty would not assent.

Yeom. Are those Bills then to be utterly lost, after that both Houses have spent so much Time and Care to compose them? May they not be offer'd to the King again as soon as the Parliament meets?

Kt. You seem not to know the Force of a Prorogation of Parliament, which (as our Lawyers have of late resolv'd) makes void all Bills of that Session, not enacted, and all other Matters depending, as if they had never been: These are no more to be accounted Bills of Parliament; but if any thing contain'd in either of them be desir'd to be hereafter enacted, it must begin anew, as if it had never been before in either House of Parliament.

Yeom. Sir, if all the Care and Pains of our Deputies in Parliament may be thus neglected, or blown away with one Breath, what hopes have we then from the Consultations of Parliament, of the promis'd and long-expected Settlement of Liberty and Property?

The Inconvenience of refusing to pass Bills.

Kt. I know no Remedy, until the King shall please to cause a new Session of Parliament.

Yeom. And is such a Session to be absolutely at the King's Will, whether it shall be six Months hence, or a Year, or seven Years?

Kt. You know it was so design'd, and in part practis'd in the late Reigns; and the Judges then were so corrupted, that they declar'd (notwithstanding the Laws for annual Parliaments) * *That the holding of Parliaments depended intirely on the King's Pleasure.*

Annual Parliaments the former Custom in England. But 'tis most manifest, besides the positive Laws for yearly Parliaments, † that by the antient Constitution of our Government, they did meet of course at least twice every Year.

Afterwards in the Reigns of the Saxon Kings, it was made a perpetual Law, that a Parliament should be holden every Year once at London; and the same Law

* *Vid.* The Minutes of the Judges Opinions in the King's Bench, upon the Arguments about bail- ing the Earl of Danby out of the Tower.

† *Inter Leges Edgari, cap. 5.*

was incorporated into the Laws of *Edward* the Confessor ; and from thence all the successive Kings of *England* to this day, have been sworn to the Observance of it.

I must confess to you nothing prevail'd with me more to concur with our King in his Pretensions to restore our Parliaments, and the Laws to their due Authority, than my own Knowledg, that the late Civil Wars in this Kingdom, and the Subversion of our Religion, Laws and Liberties, were principally occasion'd by the Powers usurp'd in several late Reigns, to refuse the calling of successive Parliaments, and to continue the same Parliament for many Years, to form them into a compliance with their Designs of Despotick Power.

Not calling of frequent Parliaments often complain'd of.

When I read the solemn and repeated Assurances his Majesty gave us, *That his Design in coming into England, was to remove from the Administration of the Government those evil Ministers that had promoted the Murders and Treasons committed, in attempting to set up an Arbitrary Power over the People and their Parliaments ; and also heard him desire the Parliament to make such an effectual Provision for their fundamental Laws and Liberties, that they might never hereafter be in danger to be again invaded ;* I thought the antient legal Course of annually chosen Parliaments would have been immediately restor'd, and the strongest Fence made for that Constitution, that the Wisdom of the Kingdom could have invented : but I must tell you, to my sorrow, that we are left as much to the King's Will for a Session of Parliament, as evil Ministers in the late Reigns design'd we should be.

Yeom. If this be our Case, it is no wonder that Mens Minds are so unquiet ; we are in daily eminent hazard of Confusion, whilst the Government remains wholly unsettled in its Fundamentals. It seems to be apparent, that after the expence of twenty Millions, besides the vast Effusion of Blood, we are no more secur'd against the Slavery we fear'd by subverting our Constitution, than we were before the Convention of the People for a Settlement, when King *James* had just abdicated the Kingdom.

The great Inconvenience of it.]

Kt. You take it rightly. If no Bill should pass to secure the certain legal Succession of Parliaments, and we should connive at the Usurpations made by the late Kings therein, and seemingly approve the *Turkish* Doctrine of the then Judges, *That the holding and continuance of Parliaments depended absolutely upon the Wills of our Kings ;* then the supreme Power, vested by the Constitution in Parliaments, to maintain the Laws and Statutes, and preserve Justice and good Government, must be acknowledg'd not to be the Kingdom's Right, but to arise from the gracious Will and Pleasure of their Kings, and the People must not dare to claim Liberty and Property as their Due.

If this Point of our Constitution should remain thus unsettled, and an ill King succeed his present Majesty, then the free Counsels of the whole Kingdom for its Defence and Welfare appointed by our Laws to be in Parliament, may (by the pretence of his Prerogative) be utterly rejected and despis'd ; and his Flatterers, and Designers to make him absolute Master of our Laws, Liberties and Lives, may be exempted by him from the danger of Punishment, certain Justice being to be done upon such Offenders, only upon the Peoples Complaints, and Impeachment of them in Parliament.

If the due Succession of Parliaments be not establish'd, so as the Kings cannot by any Artifices avoid their meeting, an ill King may, in effect, authorize whom he pleases to subvert and destroy our Religion, Laws and Liberties, by renewing Pardons of all such Crimes as often as they can commit them. I am sorry to say it, but our present Case is such, that all the Security we have for our Religion, our Laws, our Liberties, our Lives, depends wholly upon the uncertain and hazardous Life of our present King, to make good his Declarations and Promises to the Kingdom.

Yeom. Sir, you make me afraid that our Country must run a desperate hazard, to have their Government, and all their highest Concerns, remain still unsettled for at least another half year. The King, I hear, is going for *Flanders*, not to return till towards Winter ; and who can be secure of his Life, or the Events of War ? and what dreadful Consequences may ensue in an unsettled Kingdom ? Pray, Sir, can you tell me the Reason why his Majesty hath defer'd to make this Settlement of Parliament ? What shall I say to my Neighbors in this Point ?

The Constitution not secur'd without it.

Kt. Do you expect, my good Neighbour, that I should shew you good Reasons for the King's rejecting of the Bill ? If I had known any such Reasons, or either House of Parliament, we ought not, as his great Council, to have advised him to pass it. We concluded, upon solemn Debates, that he was highly concern'd to

*It was the
K's Interest
to pass the
Bill.*

have this Bill enacted, to justify the Design of his coming with Force and Arms to deliver us from Arbitrary Power, and to settle our Laws and Liberties. We thought that the Reputation of his Concurrence, with the Advice of the great Council of his Kingdom; oblig'd him to a free Consent to that Bill, the Expectations of all *Europe* being so exceeding great from the Results of this Parliament's Counsels, and his Union with them. We believed his Desire to secure to his Subjects their Government by Laws, would have made him glad of the Opportunity of this Bill, lest any Accident should befall him in this War, and he should lose the Glory of his Design, by leaving them unsettled. We thought it was for his Interest to pass this Bill, to induce the People to pay their great Taxes freely, and to advance them to as great Sums as the Acts of Parliament would allow: It being the antient Course in Parliaments, that the Kings always pass'd some Bills for the Peoples Advantage, when they had great Sums of Money from them. And we thought his Majesty had the less Reason to deny his Assent to this Bill, in regard it depriv'd the Crown of no legal Prerogative, but only reviv'd and confirm'd the antient Laws of the Realm, than which nothing is more frequent, when wholesom and necessary Laws grow into disuse. We also conceiv'd that his Majesty was bound in Honour to make good the Matter of his Declarations, and his solemn Promises to the People in them, to settle their legal Government beyond all Dangers of being subverted by ill Princes or evil Ministers. It seem'd to us that his Majesty's Desire of being as great and potent as any King that ever possess'd the *English* Crown, would have press'd him to a Conjunction with the Parliament in this Bill, since *English* Kings can be great only by the wise and affectionate Counsels and Assistance of their Parliaments, who have the absolute Command of the Wealth of the whole Kingdom.

Yeom. Sir, you have been extremely kind in shewing me your Opinion of the Importance and Necessity of this Bill; but you have not inform'd me of any one Objection made against the King's passing it. I would gladly know what was alledg'd against the Settlement of this Fundamental of our Government.

Kt. It would be useless to tell you the fallacious Arguments that were brought, to shew there was no Necessity of passing such a Bill in this King's Reign; but all that was said was in substance no more than, That the Bill took away an undoubted Prerogative of the King's, to call, continue, and dissolve Parliaments at his Pleasure; that the Power of the Regal Office would be lessen'd thereby; and, that it was not fit to shew Jealousy of this King's denying our legal Rights, whilst he so continually hazards his Person for our sakes.

Yeom. Pray, Sir, let me be so bold as to ask you how these Objections against the Bill were answer'd: I know 'tis not hard to delude the unlearned Countrymen in Matters of this nature; yet they are not ignorant that it hath been the common Practice of those that have design'd our Slavery, to cry up the King's Prerogative, to suppress the Subjects Claims of their Rights and Liberties. Be pleas'd to favour me with a short account of what was said upon this occasion.

*The Bill not
destructive
of Prerogative.*

Kt. As to the first Pretence, That the Bill destroy'd the Prerogative of the Crown, to call, prorogue and dissolve Parliaments at their Will and Pleasure only, it was plainly said, *That there neither is, nor ever was, any such Prerogative, and that there needs no other Evidence of that Truth, than the very Nature and Essence of our Constitution.* 'Tis a Repugnancy in it self, and downright Contradiction, to say, that by our Constitution, the Subjects are to be govern'd only by Laws of their own chusing, and that their Deputies to that purpose are to be appointed from time to time by the Subjects, as the Laws shall direct, as they respectively shall attain to Age, and as the Estates descend, alter and change (all which is known by our common Laws, and fully declar'd in several * Statutes, and acknowledg'd by all that know our Laws) and then to say that our Kings have a rightful Power and Prerogative, either to keep them from meeting, to advise about, and chuse their Laws, or to prevent the successive Generations to chuse their Deputies for that purpose, by continuing such as are once chosen so long as he or they live.

Yeom. Sir, I thank you for opening of this Point. I see it manifestly inconsistent, that the Subjects should have a Right to be govern'd only by the Laws of their own chusing in their successive Parliaments, and that it should be at the Pleasure of their Kings, whether Parliaments should ever be holden, or successively chosen.

* *Vid.* 25 *H.* 8. 1 *J.* 1.

Kt. I must tell you, that it was further said, that such a Pretence of Prerogative appear'd more vain by the continual Practice of all Ages, concurring with our Constitution. The Duty of the Regal Office was so notoriously known, that whenever our Kings neglected to hold Parliaments to maintain the Government, or dissolv'd them before due Provisions made for the Kingdom, it was so far from being esteem'd an Exercise of their rightful Power or Prerogative, that it was always adjudg'd Misgovernment in them : and it appears by our Histories, that fatal Consequences have thereupon ensu'd.

Yeom. Sir, our Country is bound to pray for all those Gentlemen that have thus maintain'd this first Foundation of all our Rights and Liberties, and made it thus plain, that it does not intrench upon the Rights of the King. Yet I must tell you, Sir, there are a sort of People make great noise of the Right of the Kings, by their Prerogative, to call and dissolve Parliaments, and that all Kings have constantly done it. Pray, Sir, help us to understand what is the Royal Prerogative in this Case.

Kt. You ought to know that it is the King's undoubted Prerogative to issue out all legal Writs in the Administration of the whole Government ; and Writs for calling Parliaments being establish'd by Law, all Kings, by their Prerogative, call the Parliaments. Tho it was not in their Power to change a Word or Syllable in the form of those Writs, yet the times of sending out such Writs, and of their Returns within the Limits of the Law, and the Place of the Parliament's meeting, were at the King's Discretion ; from whence it might be said to be their Prerogative alone to call them.

The King is oblig'd to call frequent Parliaments.

I must further tell you that it ought to be remember'd, that by our English Constitution, Parliaments are, and always were to be holden within the Compass of certain times, being the Foundation and Essence of the Government ; and that it is not in the Power of the Royal Prerogative to refuse the calling these Parliaments successively as the Constitution intends. The Being or Not-being of such Parliaments is not trusted to the Crown, but the Direction only of some Circumstances about holding them, is left to the Royal Prerogative. But there is also a general Trust plac'd in the Crown, by our Constitution, to call Parliaments upon Occasions and Emergences, when the Safety and Welfare of the Kingdom require it ; and for that reason, when a positive Statute enacted, that a Parliament should be holden once every Year at least, these words were therein added, *And oftner if need be.*

Frequent Parliaments part of our Constitution.

Now the calling and dissolving such occasional Parliaments, is trusted wholly by our Laws to the Royal Prerogative, the Kings are the only Judges of the necessity of holding such Parliaments, subject always to the Oath of the Crown, to preserve the Laws and Liberties of the Kingdom.

The Prerogative of the Kings is so absolute about the calling such occasional Parliaments, that it were highly injurious both to the King and Kingdom to attempt to take it away, or diminish it by any Act of Parliament : 'tis as necessary to the common Good and Safety, to maintain this Prerogative of the Crown about occasional Parliaments intire, as it is to prevent the extending the like Prerogative to Parliaments in general ; and a certain prevention of that Mischief was the only Aim, and honest Intention of the Promoters of the late Bill.

Parliaments necessary for the common Safety.

Yeom. Sir, you so well distinguish the Powers and Prerogatives of the Crown, that I cannot imagine what could be said to shew that this Bill incroach'd upon any of them. I have found, by experience, that those who clamour'd most against it, for taking away the King's Prerogative, could say very little when they were press'd to speak particularly. I my self, after my Country-manner, ask'd one of them the other day, whom I heard clamouring, What Royal Prerogative the Bill took away ? Tell me, said I, what Act of Royal Power, possible to do any good to the Crown or Kingdom, was propos'd by the Bill to be restrain'd ? Is it a Royal Prerogative, to have the very Being of Parliaments, the Use of their Authorities, and the Constitution it self, absolutely at the King's Will, against which alone the Bill provides ? That the People should never consult, or provide for the Safety of their Estates, Liberties and Lives, unless their Kings please ? Hereupon the Gentleman grew angry, and said I talk'd like a base Commonwealths-man. Truly, Sir, it appears to me, that some amongst us hate our Laws and Liberties ; but not daring to say so, they cover their Malice with Pretences of advancing the Power of the Crown. These Men are better at Railing than Reasoning, and talk only in Generals, as if they were the only Friends to King William, tho they have another Person

son in their Hearts and Intentions, when they seem so careful for the Power of the Crown, and cry out, that this Bill lessens the Power and Dignity of the Regal Office. Pray, Sir, what was said to shew the Falshood of that Suggestion?

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gative.*

Kt. This Suggestion against the Bill appear'd to be so far from Truth, that those who objected it, could neither give an Instance of any Power belonging to the Regal Office which the Bill restrain'd, nor of any one Act propos'd by it to be done by the Kings, unto which they are not oblig'd by Law, and the Duty of their Office without any such Bill. 'Tis a wonder that any secret Enemies of our Laws and Liberties should have the confidence to insinuate, that the Regal Office would be less'n'd, by a constant successive electing and holding of Parliaments in a legal Course, not to be interrupted by evil Ministers, or ill Princes; the contrary being indeed manifest, that the Honour, Greatness and Glory of the Crown can never be in any other manner supported, much less advanc'd and augmented. It cannot but be clear to every Man, that by such a certain succession of Parliaments, the greatest and wisest of the Kingdom should constantly hold their Consultations to advance the King's and his Kingdom's Interest, Honour and Greatness, and be enabled to discover all Unfaithfulness, Failures and Defects in the Administration of the Government, which may any way derogate from the Security, Potency and Honour of the King.

In like manner, all the Forces of the Kingdom, which are some hundreds of thousands, may be apply'd to the King's Service, and every Man of them employ'd as shall most conduce to the Kingdom's Safety and Honour: And to compleat the Prince's Glory, all the Treasure and Wealth which these Islands have gather'd in many Ages from both the *Indies*, and all the Peoples Lands, Goods and Interests, would be subject to be charg'd, as the Wisdom of such great Councils should think fit for the Maintenance and Prosecution of any just and glorious Design.

But 'tis notorious, that none of these high Powers and Authorities can be exercis'd by the *English* Kings in any other manner, than by such a constant Succession of Parliaments as the Laws intend; and therefore 'tis evident, that this Bill propos'd the highest Advancement of the Regal Office, by making provision for the certain holding of such successive Parliaments within the Times limited by Law.

Pray, Countryman, let me advise you to read your Chronicles at home of our Kings; and you shall find, that all those Princes were most Great and Glorious, who govern'd by the Counsels of legal successive Parliaments; and that those who declin'd it, lost the Honour and Power of the Nation, and render'd themselves and their People unhappy.

Yeom. These things being so clear, pray, Sir, let me be so bold as to ask you, what hath made so many Favourites of our Princes dissuade them from observing the Laws for constant successive Parliaments? and how came our Princes so readily to follow those Counsels?

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ments lessen
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of Favo-
rites.*

Kt. I could easily tell you, if it were fit to speak plain; but in short, the Favourites Power with their Princes is restrain'd and less'n'd by a due course of Parliaments, their Corruptions would be liable to be examin'd, and their high ambitious Designs defeated. And for the Princes, they are deceiv'd by their Flatterers with a false Notion of Power: they are made believe that their Power is less'n'd, when they are bound by Laws to do themselves and their People good, tho they were bound to it before by the Laws of God and Nature, and the Laws of the Realm, by which they hold their Royal Offices, and which, at their several Coronations, they solemnly swear to observe.

'Tis hard to persuade some of them, that it is the Glory and Perfection of the Royal Office, to be disabled by Laws to hurt their People: But if they be truly God's Vicegerents, they ought to remember in their most tow'ring ambitious Thoughts, that it is the highest Perfection of God Almighty, that he is incapable of doing ill.

Yeom. Sir, you have said enough to satisfy me, that this Bill was not only just in it self, but highly necessary for the Settlement of the Government, and the Security and Welfare of the Kingdom: But it seems such as had a mind to avoid it, urged it to be unseasonable at this time; they pretended their Fears, that it might weaken the Reputation of the Union between the King and his Parliament, and occasion Rumours, that a Parliament is jealous of our King's Compliance with them in securing our Liberties. When they could not resist the Reasons for the Bill, they offer'd

offer'd at the old Trick in such Cases, to delay the passing it till a better Season. Do you think, Sir, there was any thing of Weight in these Pretences, or were they mere Shams?

Kt. If I might, without breach of Privilege, tell you the Discourse in our House of Commons upon this occasion, you would conclude that those who objected the Unseasonableness of the Bill, did not believe themselves, whatever they said to delay the Bill, for fear of a disgust between the King and Parliament: That being in truth (after so many in both Houses had appear'd for it) a Reason for present passing it, that the whole World might have been out of doubt of their perfect Union. *The Bill not unseasonable.*

But I may freely tell you some of the private Discourses amongst the Members; and in those some of us were bold to ask, Whence came the Rumors that the Bill would displease the King? and whether any body had Authority to insinuate to the Members, that the King would have the Bill delay'd as unseasonable? But I could hear of none that would own more than their Doubts and Conjectures; which made me suspect that there were some secret Designs to dissuade the King from agreeing to the Bill, on purpose to weaken abroad the Reputation of the King and Parliament's perfect Agreement.

Yeom. What you have observ'd makes it appear, that the secret Enemies of the Government are still designing Mischief to disturb the Agreement between the King and his People: But might not this Bill give occasion to the King to think, that the Parliament had some jealousy of him, that he would not govern by a due Course of successive Parliaments, according to the Nature and Intent of our Constitution?

Kt. Sir, I can readily answer you, that if the Time and Manner of offering the Bill be duly consider'd, with other Circumstances, there could be no reason for the King to harbour such a Thought. Is there any reason for a Prince to think his People jealous of him, because they provide good Laws for the securing their Rights and Liberties? Every good Prince ought to be pleas'd to see his People careful therein, not only that he might not have it in his Power to wrong them, but that it might not be in any other Prince's Power who may succeed him.

Every Prince should be ambitious to have Laws of that kind made in his time, to be lasting Monuments of his Glory, as having given such Securities of Peace and Rest to his People. It ought to be remembred that our King had invited his People to invent and provide Laws, so to secure their Parliaments, which is their Constitution, and all their Rights and Liberties, that they might never be in danger to be again invaded; therefore he could not think their Obedience to his own Commands should arise from a jealousy or distrust of him. It must also be consider'd, that our King hath had large Experience of the Confidence of his People in him: they have by several Acts, more absolutely trusted their Persons, Liberties, and Estates in his Power, than was ever done to any former Princes by our Ancestors in any Age. *Advantageous to the King to pass the Bill.*

It ought to be esteem'd the greatest of all Trusts, that they have patiently born for above four Years, the dangerous unsettlement of their Government in a legal Course of successive Parliaments: And had his Majesty unhappily fall'n in the Wars, or otherwise, we had been left to the Will of succeeding Princes, to contest that our Fundamental Liberty, tho it is manifest that all the late Miseries, Confusions and Blood that have been in England, were occasion'd by the want of that Settlement. Now when the Parliament hath thus highly trusted his Majesty, can he take it amiss that they are unwilling to run the hazard any longer, of the like Trusts devolving upon Successors, that cannot be known who they are, or what they will be? *The Government unsettled without it.*

That which was mention'd of his hazarding his Life in the War for our sakes, is so far from shewing this Bill to be unseasonable, that it is the strongest Argument possible to have it finish'd forthwith while he enjoys the Crown, who hath personally renew'd the Original Contract with the People, and is under greater Obligations to settle and secure the Government, than can be expected to meet in any other Prince.

Yeom. Sir, I can never thank you enough for the Information you have given me in this Matter that so nearly concerns our whole Country; yet after all, I know not what to say to my Neighbours when I come home, if they shall ask me, as I must expect they will, why the King did not pass this Bill? Many of them are as ignorant as I was; and I could have stopped their Mouths, by saying, that the Bill took away

away part of his Prerogative: but now I am otherwise convinc'd, I cannot speak against my Conscience, nor cozen my Neighbours, tho I should be very loth to drop a Word that might lessen the Country's Esteem for his Majesty. Let me beg your Advice what to say to them.

Enemies
take ad-
vantage to
reproach
the Govern-
ment by re-
fusing it.

Kt. My good Neighbour, I want Advice as much as you, how to satisfy those that sent me to Parliament, about the King's Refusal of the Bill; yet one thing vexes me worse, that having been zealous for the Revolution, I know not how to restrain, nor yet well to bear the Scoffs of some of our Enemies at my Folly. They call to mind that I (simple Man as I was) confidently said, that the Government should be reform'd, and our Laws and Libertys fully secur'd. They now ask me, Whether I find by Experience a King of our own making more ready to do the People Right, than the old ones that claim'd by Lineal Descent? Some of them laugh'd, and told me, that I gap'd for a *New Jerusalem* to drop from Heaven, wherein there would be nothing but Righteousness; and that the Government should be administred by none but Men of Virtue and known Fidelity to their Country. They have upbraided me with what I said, That God had sent us a Prince that would deny his People nothing, but pressed and conjur'd them to provide most effectual Ways and Means for securing their Religion, Laws and Liberties.

Yeom. Sir, I suppose the Gentlemen that talk to you in this manner, have a mind to disgrace the honest Principles that led the People justly to reject King *James*, and make you believe that they were cozen'd in thinking that the Security of Religion, Laws and Liberties, or the Reformation of the Government, were ever intended in the Revolution. They would have you believe there was nothing but Ambition and Avarice in the bottom of the Design, and that whatever was pretended, the Crown and its Powers were the only things in the Eyes of King *William* and his Followers. They would persuade you and the People to think, that our Religion and Liberties might be secur'd by a Treaty for bringing back King *James*, and that an End may be put to the War thereby, and the People acquitted from the heavy Taxes and Burdens they now lie under. They would impose upon you to believe, if possible, that he who so basely cast the People of *England* at the Feet of the Pope, by an *English* Ambassador, and ran the utmost Hazards to subvert the Protestant Religion establish'd, should desire to secure our Religion, without pretending to be converted, and be fit to be trusted to defend our Faith; and that he who is known to the whole World to have occasion'd so vast an Effusion of Christian Blood, to enslave us to his Arbitrary Power, and make himself our absolute Master, should be fit to receive Royal Powers and Authorities for the Defence of the *English* Laws and Liberties.

Kt. Neighbour, you are in the right; but this sort of Gentlemen dare not, upon these Occasions, argue plainly for King *James*; and I hope that neither the Parliament nor the Country are in much danger by them.

But there are another sort of Men who enjoy the Powers and Profits of the late Revolution, and highly pretend to maintain it, that upon the Occasion of this Bill, do so pervert the Meaning and Construction of our Laws, and assert such dangerous Notions, as really tend to introduce Arbitrary Power and Slavery, if they do not unhappily throw the People upon King *James*.

Ill Notions
of the late
Reigns sug-
gested to
the King.

Calling of
Parlia-
ments no
act of Grace
but of Du-
ty.

These Men make a specious shew of their Love to the advancement of the Honour and Greatness of the Crown, as if they were their Majesties principal Friends, tho in truth they are daily undermining their Majesties legal Title to the Crown, by the pernicious Notions of the late Reigns, which are contrary to the Fundamental Maxims of our Government. They commend and applaud the King's Refusal of the late Bill, and some of them have been so bold as to say (whether in love to King *William* or King *James* I will not determine) that what the King did therein, was the chief thing that he hath done like a King. He hath shew'd, say they, that the Being and Sitting of Parliaments, are only Acts of Grace from the Crown; that the People have no other but a precarious Right to them, to have them only at such times, and in such manner, and for so long as the Crown pleases. These Gentlemen pretend to great Moderation, and privately whisper to such as they hope to lead, that the Principles of our Government were too strictly and severely laid down in the late Revolution. They say, that the Original Contract between the King and the People, should not have been set forth as an equal Contract on equal Terms, whereby the Kings were as strictly bound on their part, as the People on theirs; as if each party had no Right to claim a share in the Legis-

lative

lative Power in Parliament, or any other Administration of the Sovereign Authority, save only by Force of the Contract. No doubt, say they, his Majesty is now advis'd, that the Original of the Legislative and Executive Sovereign Power ought to be wrap'd in Clouds, and not expos'd to vulgar Eyes. 'Tis an indecency to have it commonly said of so great and almost Divine Persons as Kings, that they receive all that Majesty and Glory only from their People. It's below, say they, the high Regal Office, to have it said by all the People, that their Majesties must, within appointed times, call Parliaments, and let them redress the Peoples Grievances as the Laws direct. They praise the Wisdom of his Majesty's Counsels to refuse the Bill, and to avoid any further Obligations to the People, than were upon his Predecessors. 'Tis fit the Kingdom should as much depend upon his Grace and Clemency for their Parliaments, as upon any others that have sat in the Throne; and if he had condescended to this Bill, the Insolence of the People, in their demands of their Liberties, might have been insupportable.

Teom, Sir, you have taken infinite Pains to instruct me; yet I was such a Block-head, that till this last Discourse of yours, I did not apprehend why the King refus'd the Bill; it was hard for me to believe that there is so great a Party as now I suspect, that prosecute the same Designs that were in the late Reigns to enslave us. I thought that such as enjoy'd great Preferments, Honours and Profits by King *William's* Election into the Throne, would never have thought to revive the former Designs of enslaving us, by setting up Pretences of a Power in *English* Kings above Parliaments, by Divine Right, antecedent to the Contract between King and People. Tho I am convinc'd there are some Men who have so far lost all sense of Honour and Conscience, that they may be still engag'd in the former pernicious enslaving Designs; yet before this your Discourse, I did not think that any number of *English* men were so corrupted or infatuated as to think, that our whole Constitution, our Government by Laws, and all our Estates, Libertys and Lives, are holden by the mere Grace and Favour of our Kings. I must confess you have mention'd several of those Gentlemens seeming Reasons against passing the Bill, that are spun too fine for our Country Heads. We should have thought that nothing of our Rights could have been too plainly set down, when we were to declare, as was done in the Revolution, what are and have been the Rights of us and our Ancestors, reserv'd in the very Constitution from all Ages. But I perceive that what cannot be deny'd to be the Peoples legal Rights about Parliaments, is desir'd by that sort of Men to be conceal'd. They would not have a new Law pass about holding of Parliaments, lest this King should have more Obligations upon him to hold Parliaments than some of his Predecessors: The true meaning whereof can be no more than to say, that the King and People ought not to be put in mind how many Laws have been made and renew'd in all Ages for the same thing; since every body knows, that the new Law hath no greater obligatory Power than any of the former, which his Majesty and all his Predecessors have sworn to keep and observe.

*Ill Counsel-
lors about
the King.*

Kt. You do well to observe that the secret Enemies of our legal Government, do always avoid the renewing and reinforcing of our antient Laws; they would have them forgotten, or negligently disus'd and brought by degrees to be esteem'd obsolete and unnecessary. Their evil Practice hath been of old to slip over the Calling of Parliaments according to Law, pretending there was no great need of troubling the People; and then the omission of one was made a Precedent of doing the like again and again, not only in the same King's Reign, but in those of their Successors; and thereby the constant Course of successive Parliaments came to be so broken and disus'd, that the People scarce dar'd to demand them as their Right, but rather mov'd for them as Acts of the King's Grace, crying up those for the best Kings that us'd them most. But, my good Neighbour, you ought to take notice that the true *English* Patriots always thought it necessary to reinforce expressly, and by name, the principal Statutes that concern'd the Foundations of our Government: and for that Reason usually made, in the beginning of Parliaments, Confirmations of the most material Laws enacted in the former, tho not one word was added or diminish'd.

*The Prac-
tices of the
secret Ene-
mies to the
Govern-
ment.*

They have caus'd *Magna Charta* it self to be confirm'd near forty times, not that they thought the Confirmations gave more Force to those Laws, but that the Contracts, Powers, Obligations and Duties of their Princes, and the whole Form of the legal Government might be kept in perpetual remembrance: And to that purpose they also ordain'd, that the same great Charter should be publickly read in full

County several times every Year. If we would do like our Ancestors, there is a-bundant cause to insist upon this Bill for successive Parliaments, especially upon this Revolution, wherein we have engag'd to God and Man, to re-establish our antient Constitution, with all our Rights and Liberties.

Yeom. Sir, I am asham'd to detain you longer, yet your rational Discourse on this Subject does so disquiet my Mind, that I can scarce forbear being further troublesome to you. You have made it apparent, that many of those who pretend to settle and secure the Kingdom, are contriving how to keep it unsettled: They are seeking to bring us into that negligent, loose, uncertain, arbitrary Course of governing that was in the late Reigns, and had almost ruin'd the Kingdom. For that purpose they endeavour to avoid the Change of Things or Persons in the Administration, and to leave every thing doubtful about the Peoples Rights, which those Reigns seem'd to call in question. They have avoided the raising and vacating all false Judgments and Opinions against the Peoples Rights, except the Cases of very few Persons, wherein the Parliament hath taken care by special Acts. They imitate the Proceedings in the late Reigns, as if they would make King *William's* Government as grievous as King *James's*. I cannot but conclude that 'tis for this reason they shew their Fears of making a clear and plain Settlement of the Foundations of our Government, in the Course of successive Parliaments to be holden unavoidably; all the Designers to enslave us having always dreaded such a Settlement for several Ages.

Kt. I wish our Country-men were generally as well inform'd as you are concerning the Party that are secret Enemies to our present Government, who are striving either to keep the way open for King *James's* Return, or at least to set up his way of governing, or something so like it, that the one may not be known from the other.

The great Power of the secret Enemies of the Government.

Yeom. Sir, many of our Country-men know well enough this sort of false-hearted men; but they for their base Compliances getting up to be our Masters under King *Charles* and *K. James*, grievously oppress'd us then, and have now again got such Powers and Preferments, as if they had brought about the late Revolution, and are so able to plague, vex and crush us as they did formerly, that the Country dares not speak their Minds of them or their Proceedings. But pray, Sir, help me to shew my Neighbours how this sort of Men, in their Designs of Arbitrary Power, always sought to prevent an absolute Settlement of the legal Course of successive Parliaments.

Kt. It would require greater Abilities than I have to shew what you desire, by Reflections upon our whole History of the Contests with the Kings for our Liberties; but I will tell you the Practice in our Times, and those just before us. This sort of Men under *James* the First, made him afraid of the sitting of Parliaments, as an Eclipse of his Power; and insinuated to him, that the calling, adjourning, proroguing and dissolving of Parliaments, ought to be absolutely at his Will. They also raised Disputes, Whether Parliaments were of right, Masters of the Methods of their own Proceedings? or were bound first to consider and resolve upon what the King propounded for Mony, or otherwise? By these means they made the sitting of Parliaments uneasy to him, so that he was always glad to be rid of them before the necessary Business of the Kingdom was done.

Attempts by that sort of Men in K. Ch. I's Reign upon Parliaments.

But that sort of Men appear'd more boldly upon the Accession of *Charles* the First to the Crown. They attempted then to invade the great Fundamental of all Liberty and Property, the Power of the People of *England* alone to impose Mony upon themselves. They had the confidence to maintain a Power in the Kings to take Tonnage and Poundage, and other Monies without Act of Parliament. They cannot deny that these were their traitorous Practices and Designs, so long as the great Petition of Right remains upon Record.

Neither ought it to be forgotten how Parliaments were then brow-beaten, and their Authority question'd and slighted, and the Method of their Proceedings controul'd, contrary to their Fundamental Rights and Privileges, nor how they were toss'd up and down by sudden Adjournments, Prorogations and Dissolutions. The Houses, Studies, and Pockets of divers of their Members were search'd, their Persons against the express Laws imprison'd, and the free Debates in Parliament made subject to the restraining Power and Censure of inferiour Courts and Judges. The King's special Command and Pleasure were declar'd Cause sufficient to detain some of them in Prison till death, without Trial, or being legally accus'd of any Offence. Yet this sort of Men thought all these Practices could not secure them, till

till they brought that King to resolve to have no more Parliaments, and to forbid the People, by Proclamation, to make mention of Parliaments.

We ought to call to mind, that for ten or twelve Years after, all the Counsels of those Designers against our legal Government, were employ'd to invent Ways to make the Constitution of Parliaments useleſs, and the Crown wholly independent upon the People in Parliament for Supplies and Aids. Such were the Inventions of Loan-Mony, Privy-Seal-Mony, Knighthood-Mony, Coat and Conduct-Mony, arbitrary Fines without Juries for Encroachments upon the King's Wastes, Ship-Mony, Billet-Mony, oppreſſing Monopolies, and illegal Patents upon Trades, almost without Number. Such also was the Commission passed the Great Seal, to impose, by pretence of Royal Authority, an Excise, tho the Illegality and Oppreſſion of it were so manifest, that a sufficient number of Persons could not be suddenly found to put it in Execution. All Projects were embrac'd that had but an Appearance of supplying the Crown, that they might avoid the necessary Settlement of successive Parliaments.

Endea-
vours to
make Par-
liaments
useleſs in
that Reign.

The last most dangerous and desperate of their Designs of that kind was, upon some pretence from *Ireland* or *Scotland*, to get an Army, and settle Martial Law, that might raise such Mony as a Council should think fit, and make Proclamations and Orders of State to be as binding to the Subject as Acts of Parliament. Yet even that was embrac'd, as appears by the Journals of the Commons in Parliament: Monsieur *Burlemach* there openly confessing, that he had receiv'd thirty thousand Pounds which was sent over Seas, to hire *German* Horse to be the Foundation of a standing Army here.

I could tell you, Neighbour, that during all these Transactions, which lasted divers Years, their Counsels and Endeavours were to divert the King from admitting the legal Course of Parliaments. The Petitions and Cries of the Subjects to restore them, could not be heard; and Agreements were made between the King and several Persons of greatest Abilities and Influence, in order to the arriving at absolute Power, that there should be no more Parliaments during his Life. Nevertheless about the Year 1639. the King's Want of Mony being extremely pressing, they resolv'd to make use of a Parliament for Supply, but without a Thought of doing the Kingdom Right, in restoring the due Succession of Parliaments, and the Exercise of their legal Authorities: and therefore as soon as they were met, they procur'd the King to demand of them their giving up their legal Fundamental Privilege, of considering in the first place, and redressing the Peoples Grievances; and the King so positively insisted in denying them their Right and Privilege therein, that within twenty Days they were dissolv'd, contrary to the known Intention and Ends of our Constitution.

Absolute
Power
aim'd at.

The Failure of the Peoples Expectation at that time, and the long Interruption of the legal Course of Parliaments, rais'd great Discontents, and loud and general Cries of the People for Parliaments; the Consequences whereof were such, as I dread and abhor to remember: yet it was universally agreed, That the want of the legal Course of successive Parliaments, and the Designs of interrupting and preventing their meeting and sitting, were the great occasions of all the Confusion, Blood and Mischief, that afterwards happen'd. And no doubt but the Parliament then took the only wise and necessary course to prevent all the impending Mischiefs and Dangers, both to the King and People, when they labour'd, with the help of the best Lawyers of *England*, to declare and secure the Observance of the antient Laws for annual successive Parliaments; and to provide for their certain meeting, and holding them, notwithstanding all possible Designs and Contrivances against them: Which was done to the great Satisfaction of the People, by that notable Act of the 16th of *Charles I.*

Long Inter-
vals of Par-
liament one
great Rea-
son of Com-
plaints in
K. Ch. I's
Reign.

Yeom. Sir, let me be so bold as to ask you, whether that Act for ascertaining Parliaments did not occasion, or some way promote the Tumults and Wars that ensu'd?

Kt. You may easily be satisfy'd from what was written in those times, of the Falshood of such Suggestions, and that the King, Lords and Commons pass'd that Act with great Unanimity; and that King often glory'd in having pass'd that Act for the Security of his People: but I believe you confound the Act for Triennial Parliaments, with another Act for making the Parliament then in being, in a manner perpetual; for they were not to be dissolv'd or prorogu'd, but by their own Consent, declar'd by Act of Parliament. That Act did in truth derogate from the King's Prerogative in dissolving Parliaments; and whatsoever Mischiefs might,

or did thereupon ensue, ought to be imputed to the Alteration made thereby of our Constitution, or Monarchy, not to the just and strict Observance of our Laws and Statutes, for which the Act of Triennial Parliaments made provision.

Friends to arbitrary Power always Enemies to Parliaments.

Yeom. Sir, I know there is a common Mistake about those Acts of Parliament, and that occasion is taken by some from the Confusions in Government that soon after happen'd, to impose upon the People false Notions about the Authority of Parliaments, and to frighten them from demanding and insisting upon their constant successive Elections, as the Laws appoint. 'Tis notorious, that those who design arbitrary Power are always busy in such Matters, and in unworthy Reflections upon Parliaments. But pray, Sir, let us pass by that dark time of the civil Wars, and see what the same sort of Men have done about Parliaments, after the Return of King *Charles II.*

The Practices of the same sort of Men in K. Ch. II's Reign.

How the long Parliament in K. Ch. II's time was chosen, and what they acted.

Pensions to Parliament-men own'd to be paid in the Reign of K. Ch. II. 14000 l. spent at the Election at Northampton.

Kt. They pursu'd the same Designs of subverting our Constitution as to Parliaments, but took Measures quite different from those before us'd to effect it. They remembred the ill Success of all Projects and Monopolies, and Pretences of Prerogative to supply the Government with Money. They had found and felt by Experience, that a free Parliament could not be aw'd, and that the People in the Intervals of Parliament would not be forc'd to pay Taxes, that were not legally impos'd upon them: yet there was an absolute necessity for the Crown to be supply'd with Aids from the People, without which it could not subsist, great part of the Crown-Lands being wasted and squander'd away in the two preceding Reigns. 'Twas therefore resolv'd to attempt that by Fraud, which they could not compass by Force; and in order thereunto they took the Advantage of the present Temper of the People, which carry'd them, without considering what the Consequences might be, to every thing that was agreeable to the Court. They recommended such to be chosen Members of the House of Commons, whose Fortunes had been most impair'd in the late Wars, and whose Dependance upon the Court might incline them to a Compliance with whatever should be demanded of them; and these good-natur'd Loyal Gentlemen repeal'd the Act of the 16th of King *Charles I.* for Triennial Parliaments, whilst a few worthy Patriots labour'd in vain to defend it. 'Tis true, they pretended in the Act, by which this Statute was repeal'd, to ascertain the frequent holding of Parliaments; yet it left the King at liberty to continue the same Parliament as long as he pleas'd, and that King accordingly continu'd that same Parliament near eighteen Years: all which time they could not be said truly to represent the People of *England*, many of those who chose them being dead, and others were either grown up, or had purchas'd Estates, whose Opinions both of Persons and Things might be much chang'd from what the Sense of the Nation was when that Parliament was first call'd. But having got a considerable Party in the House of Commons, they labour'd to confirm and increase it. Places and Pensions were liberally bestow'd on all that could be brought over to them: and 'tis no wonder they gave such prodigious Sums of Money out of the poor Peoples Purses, when a great part was again to be refunded into their own. This scandalous Proceeding was manifest, and confirm'd by the open Confession of a Gentleman (thro whose Hands much publick Money then pass'd) in the House of Commons the next succeeding Parliament, who there acknowledg'd his paying annually many and great Pensions to Members of Parliament.

Besides thus corrupting those already in the House, there was neither Pains nor Money spar'd to get their Friends chosen where any Vacancy happen'd; insomuch that the Court spent 14000 l. at one Election of a Burgess for *Northampton*.

Yeom. Sir, you have fully satisfy'd me that the Ministers in that Reign were as bitter Enemies to the *English* Constitution about Parliaments, as those in the two former that went before it; but their Measures are more dangerous and likely to succeed; and it was God's great Mercy that these Hirelings did not enslave us, as it were by our own Consent, and by colour of the Authority we had given them for our Preservation.

But pray, Sir, what was the meaning of the great Bustle all over *England* about Charters? What made the Court so mightily labour to persuade all Corporations to surrender their old Charters, and take new ones from the King? Was not that done with a design to influence the Elections of Members to Parliament?

Kt. Yes most certainly, and this was a more pernicious and dangerous Design than any put in practice in the former Reigns. This struck at the very Root of all the Liberties of *England*, that the People should never again have a free Parliament chosen

chosen according to the Constitution; but such Men impos'd upon them, as would *Practices upon the Corporations.* fervilely comply with the Court in all their Measures to enslave us. They corrupted some in every Corporation to persuade the rest to surrender their Charters; and where they could not prevail by Intreaties, these wicked Instruments in several Towns, broke open the Trunks wherein their Charters were kept, and stole them away to deliver them up. Where this could not be done, they brought *Quo Warranto's* against the Charters of almost every Town in *England*, that has a Right to send Members to Parliament; and by means of corrupt Judges, declar'd them void, upon some Pretence or other, that the present Magistrates had acted beyond, or contrary to the Powers granted in them, and thereby forfeited all their Rights and Privileges. New Magistrates were plac'd thereupon in those Towns, such as they could most confide in; and such Clauses were inserted into their new Charters, as put the Choice of their Representatives in Parliament absolutely for the future into the Power of the Court.

Yeom. Sir, I am infinitely oblig'd to you for your Pains and Kindness, in shewing these things to me; but I stand amaz'd to think, that there could be so many *English-men* found in every Reign, to join in carrying on this continu'd Design to subvert our Constitution, and enslave us. What present Advantage could delude and tempt them? they themselves, and their own Posterity must be involv'd in the same Misery and Ruin they endeavour'd to bring upon others.

Sir, I have trespassed too long upon your Patience, and shall not therefore trouble you further about their Designs under the late King *James* (those being most excellently laid down and made manifest in his Majesty's Declarations, when Prince of *Orange*, publish'd upon his coming into *England*) but upon the whole 'tis most plain, *That neither we nor our Posterity can be safe in our Religion, Laws and Liberties, till we obtain an absolute Settlement of the legal Course of successive Parliaments.*

Kt. I will only tell you one thing more, Neighbour, before we part, That those Kings, who endeavour'd to subvert the Constitution as to Parliaments, were always embroil'd with their People about Rights and Privileges; and that when once the People had discover'd these Designs in them, tho they call'd many Parliaments, yet the same Jealousies continu'd, and they never after came to a good Understanding; or had a mutual Confidence in one another.

Our Histories declare the Truth of this Observation in many former Princes Reigns, so that I hope the King will avoid a Rock that hath been fatal to all who have struck upon it; and I am confident that his Majesty will do all that a good King and honest Man can do, to restore to us our Constitution, having in his Declaration call'd God and Man to witness, *That was the Design of his coming hither.*

The

*The Charge of the Right Honourable
HENRY Earl of WARRINGTON, to the
Grand Jury at the Quarter Sessions held for the Coun-
ty of Chester, on the 25th Day of April, 1693.*

Gentlemen,

*A Panegy-
rick on Li-
berty.*

TIS a very common Saying, that Interest will not lie ; and yet, if you consider it, you will find that there is scarce any thing more difficult than to persuade People to their Interest : a thing mightily to be wish'd, because if it were universally understood and practis'd, it is the thing of all others, that will make this World a happy Place.

For then there would be no need of Laws and Magistrates to preserve Peace and Good Order, by reason that every Man would be restrain'd by that Law within himself, which is the Foundation of all other Laws, I mean that Principle of Reason and Justice with which he is born.

But when Man fell from his primitive Innocency, he lost that Guide which should happily have conducted him thro this World ; and instead of following the Dictates of his Reason, he suffer'd himself to be led away by his Passions ; and without any regard to Justice made his Self-Interest the Standard of his Dealings with others, which is the direct way to ruin that which he aim'd at : for if a Man acts without regard of Justice to others, he hath little reason to expect that Justice should be done him : For why should he imagine that others should take care to do him Right, who hath no other Consideration but for himself ? So that in point of Interest as well as Justice, every Man ought to have a mutual regard to the Good of each other : but because it is so intirely neglected, therefore were Laws made to withhold Men from committing those Acts of Injustice and Violence, which their own Consciences tell them ought not to be done.

*Self-Inter-
est the
Cause of
much Mis-
chief.*

From this deprav'd Inclination do proceed all those Disturbances and Disorders that infest any Government, and have often been fatal to the whole Constitution ; there having at all times, and in all places, been found those who have been dispos'd to sacrifice their Liberties and civil Rights, to serve the Desires and Lusts of arbitrary Princes.

*Liberty a
valuable
thing.*

'Tis surely a great Sickness of the Mind, when a Man gives up his Birth-right in exchange for something else that depends upon another Man's Breath ; and he must be besides his Wits, who little esteems his Liberty, which is the thing that chiefly distinguishes him from a Beast : for when a Man is a Slave, he must submit his Will and Reason to the Humour of him who governs him ; and then what difference is there between him and a Brute, only that his Condition is the worse of the two ?

If no body but themselves were to feel the Effects of their servile Compliances, the matter would not be much if they perish'd by their own Folly : For why should they expect to thrive better than *Esau* did, who sold his Birth-right to save his Life, and therefore instead of a Blessing receiv'd a Curse ? For can they who reject God's Mercies, hope to intail a Blessing upon their Posterity ? These are the four Grapes that set the Childrens Teeth on edge ; for tho the Father may be so fortunate as to go to his Grave in his Prince's Favour (a Happiness to which few have attain'd, who have purchas'd it by being false to their Country) yet it is a dangerous Experiment for their Posterity, to whom there is seldom left any thing more than to inherit the Wind.

Now if the Mischief of this Time-serving had ended with this sort of Men and their Posterity, the Complaints against it might have been buried with them and their

their Families ; for his Infamy ought to be had in remembrance so long as the Sun and Moon endure, who is the Instrument of his Country's Ruin : For by this Treachery have whole Kingdoms been brought to Desolation, which were before in a flourishing Condition ; as namely, where Justice was duly executed, full Employments for all Hands, a quick Trade, no sort of complaining in the Streets ; but every Man sat with Security and Pleasure under his own Vine.

This is so deplorable a Change as no Tongue is able to express ; then let every Man consider it in his own Thoughts, and he will discover how valuable a thing Liberty is, even preferable to any thing else this World affords. For Liberty is the Foundation of Vertue and Industry ; what doth any thing else signify without it ? For when that is gone, as our Lives and Fortunes depend upon another Man's Pleasure, so we hold our Religion as precariously ; because a Prince can impose upon Slaves what Religion he pleases. *France* is so pregnant an Instance of this, that it puts the thing out of dispute : for whilst the Protestants kept their Liberty, all was well with them ; yet no sooner was that wrested out of their Hands, but it was quickly seen what became of their Religion. And therefore I have always thought that they began at the wrong end, who reckon themselves out of all other Danger whilst they enjoy'd the Exercise of their Religion.

It will not be deny'd but that Liberty is a great Security to the free Exercise of Religion : but if our Civil Rights are assaulted, I do not see by what means Religion can rescue them out of violent Hands ; because there are many Instances where Religion has been us'd as a Stalking Horse to introduce Slavery. For did ever any Man pretend to have a greater Concern for the Church than *Charles* the Second ? and yet no Man more design'd the Ruin of the Nation than he did : which Example may occasion the People to suspect some Design upon their Liberties, when the Prince pretends the greatest care for Religion, unless he be a Man of great Morality, and that Religion appears in his Life and Practice, as well as in his Words and Promises ; for it is scarce possible to enslave a free People by down-right Force, and therefore they must be gull'd out of their Liberties by Art and under-hand Practices ; and there cannot be a better blind than a pretended Care for Religion, to keep the People from observing what is design'd against them.

So that if any thing is worthy of their Care, it is their Liberty ; and in doing so, you do the part of Loyal Subjects and good Christians : whereas by the Neglect of it you expose every thing that is valuable ; and you also lay a Snare in the way of your Prince, by tempting him to think of that which otherwise might not have come into his Thoughts. And this Care is never to be neglected, not even when every thing goes to their Hearts Desire, lest whilst you speak Peace to your selves, there comes upon you sudden Destruction ; for a Design is more likely to take effect when People suspect no such thing, than when they stand upon their guard.

There are many ways of working People up into a Security, of all which Promises are the most fatal ; for without Performance they become Snares : and therefore it is upon Actions, and not upon Words, that a wise Man will ground his Belief or Opinion. Consider what is done, and not what is said : For whoever he be that is so wicked as to have a Design of enslaving the Nation, will ne'er make a Difficulty of promising very largely.

If then we ought to take care of our Liberty, how ridiculous is it to talk of serving the Crown, when by that is meant to make the King's Will and Pleasure the Measure of their Obedience ? It must be a mere nonsensical Boast to talk at that rate, when they have stript themselves of the means of serving like rational Creatures ; for when Men have given up their Liberty, what does all their Service to the Crown differ from that of a Beast ? The Service that we do to our Prince should be like that which we render unto God, not a forc'd and constrain'd, but a free and reasonable Service.

So that I think I may say, that he who hopes to recommend himself to his Prince's Favour by such a piece of Service, must needs be a very profligate Wretch, and believe his Prince to be altogether such a one as himself ; for such a Design is altogether unlawful, because it is destructive to the Nature and very End of Government, contrary to the King's Coronation Oath, inconsistent with Reason, and a Violation of that Trust and Confidence which the People repose in the King. For, as I take it, the Power that is lodg'd in the Crown is only a Trust, and nothing more ; for he must have that Power either as a Trust, or as a Property ; and if he hold it as a Property, then no Bounds or Limits can be set to it, and he may use it as to him may seem most meet.

What

What will the Laws then signify? To what purpose is the Coronation-Oath, and all those other Cautions that are taken to oblige the King to govern according to the Laws and laudable Customs of the Realm?

Deposing of
Princes for
acting arbi-
trarily,
usual.

Then every Prince that hath been depos'd for committing Violences and Oppressions, was highly injur'd, for there could be no other Standard of Right and Wrong, but that of his Will and Pleasure. But it is a common Practice to depose Kings, when they become a Burden to the People, that being the proper and only Remedy in such Cases: For let any Man tell me if he can, whether the Liberty that remains in the World, hath been, or can be preserv'd by any other means than by that Power that is vested in the People, of laying aside such Kings whose Administration becomes exorbitant; for the Number of ill Kings hath so much exceeded that of the good, that Liberty had been even before this day swallow'd up by Prerogative, without some such check and controul: and because so very much Good or Hurt is in the Power of the Prince, therefore the Value of a good Prince is inestimable.

The Blessing
of being
deliver'd
from an op-
pressing K.

To be deliver'd out of the Hands of an oppressing King is a great Mercy; yet when such a Prince is put into the Hands of any People, it is seldom improv'd as that Mercy ought to be; for *Tacitus* makes this Observation upon the Fall of *Nero*, that the first day after the Reign of a Tyrant is always the best. This is a great Truth, and a Rule that yet hath no Exception.

For this several Reasons may be given: for generally the People are so transported upon being eas'd of their Burden, that they neglect to make such Provisions as are necessary to prevent the like Irregularities for the future; either from a Belief that no other Man will be wicked to the like degree, or else from the fond Opinion that they conceive of him who was the chief Instrument of their Deliverance; trusting that the same Principle of Honour and Justice that incited him to stand up in their Defence, will prompt him to do all those things that are needful to settle the Government upon a lasting Foundation: which was something our Case upon the Restoration of King *Charles* the Second, only with this difference, that instead of repairing the Breaches which his Father had made, the mistaken Loyalty of the Age help'd to make them wider.

English Li-
bertys when
pretended
to be aim'd
at.

Another Reason for *Tacitus's* Observation may be this, Because he that is the chief Instrument of their Deliverance, altho he appear'd very zealous on their behalf, yet he aim'd at nothing but getting the Crown; as it was when the *Dauphin* of *France* came over to assist the Barons against King *John*: His Declaration was full of nothing else but the *English* Liberties, and yet it afterwards appear'd, that his Design in assisting them was only to get into the Throne, and not to ease the Nation's Oppressions. So that in such Cases a Revolution does the People no good; for he that hath got the Crown, thinks that whatsoever is done for the Good and Security of the People, is so much Loss to him of what he hop'd to get by coming over.

A third Reason may be this, Because he may presume upon the good Opinion the People have of him; supposing that they will put the best Construction upon all he doth, and look upon those things to be but Mistakes, and the Consequence of the want of true Information, which are the Results of a form'd Design.

Or else, because he may imagine, that altho he doth to a great degree act over the part of him who was thrust out of the Throne, yet the People will not feel the Lash so sensibly, because it comes from his Hand. This, whenever it happens, is a thing of so foul a Complexion, that it deserves as ill a name as can be given it, and yet I fear there do not want Examples of it.

It is a Mistake, and a dangerous one too, to consider the Person more than the Thing that is done; as if the Person made the Thing better or worse than it otherwise would be. Men indeed differ from one another, and yet do the same thing in different Ways and Manners; but yet every thing is still the same, whoever he be that doth it. If there be any difference, it lies in this, That the better Reputation he hath who doth any thing that is ill, so much the greater is his Reproach, especially if it be a thing that he hath reprov'd and punish'd in another. This judging the Thing by the Person, is that by which Men commonly deceive themselves so very much, or else they would make a righter Judgment than for the most part they do.

How happy is that Prince then whilst he is on this side the Grave, and how glorious will be his Memory, who is not afraid or shy even to have his Actions examin'd, that Mankind, as well as his own Conscience, may bear him Testimony, that he governs according to Law, and makes the Good of his People the End of his Government?

Before

Before I proceed any further, I would be rightly understood in what I have already said; because possibly either thro Mistake, or thro Malice, some may infer, that I would persuade you to take more Care of your Liberties, than of your Religion, by reason that I have said so much of the former. But far be so Atheistical a Thought from me, I bless God it never yet enter'd into my Heart: Altho I am not so Religious as I ought to be, yet I think our Religion to be more valuable than any other thing whatever; for if God should take away the Light of his Gospel from us, it would be the severest Judgment that he could visit us with: and therefore I have press'd you to take care of your Liberty, as the surest means by which you can preserve your Religion; and in so doing, I conceive I have shewn a Zeal for rather than a Neglect of it.

It is to be wish'd by all those who desire the Peace of their Country, that Religion were more in fashion among us than it is; for no Nation did ever thrive where it was neglected: and it is to be fear'd that God will have a Controversy with this Land, if Swearing and Drinking, which are now become so common, be not speedily suppress'd, and the corrupt Manners of the Nation reform'd.

But before I speak more particularly upon them, give me leave to observe something to you upon two Things which are very injurious to Religion, and yet are done out of a pretended Care and Tenderneſs for it.

The first is, when Protestants break into several Sects and distinct Congregations, and not being content with worshipping God in their own way, are uneasy at all others who follow not with them: Every one being so much assur'd they are not mistaken, that they will not allow any but themselves to be in the Right, and therefore leave the excellent Rule of Charity, to follow a blind Infallibility.

'Tis true indeed, whilst we are upon Earth, we shall have different Sentiments and Opinions, and it is not possible for us to help it, because our Reason is too short-sighted and purblind; but yet we may all agree to have a mutual Charity for one another, and then every Man will be the better for his Religion, and no Body will be the worse for it: For otherwise, instead of promoting Religion, we eat out the Bowels of it; that is, we destroy that Charity, without which we cannot enter into the Kingdom of Heaven. But, alas! it is come to this, that one is for Paul, another for Apollos, and another for Cephas. One asks of such a one, Is he a true Son of the Church of England? A second inquires, Whether he be of such a Congregation? A third demands to know if he follows such a Man? If so, all is well, and with them he must pass for a good Man, without examining into his Life and Morals.

But what doth all this amount to? Am I the better for being of such a Man's Opinion, or of such a Communion, unless I am a Doer, as well as a Hearer of the Word? Or what is another Man the worse, because he is not of my Opinion, if he lives a better Life than I do?

This Zeal for a Party, is a Zeal rather to be reprov'd, than to invite others to the Practice of it; for it is not an Argument of Religion, but a Sign of Pharisaical Pride, when a Man is uneasy with another, because he worships God in a Way different from him: for if any Man desires to live as becomes the Gospel of Jesus Christ, and to that end doth daily try and examine himself, he will find himself to be more amiss therein, than he can discover in others; and therefore to lead a good Life is the best Argument that any Man can use to persuade another to be of his Opinion.

The next thing which is injurious to Religion, is, when the Discipline and Government of the Church interfere with the State; breaking into the Methods and Foundation of it, to advance the Power and Greatness of the Clergy.

This soon becomes mischievous to Religion: for as it doth in no sort promote God's Glory, or tend to the reforming of Mens Manners; so when the People find their Liberties croud'd, to make Elbow-room for the Clergy, and that the Government of the Church will help to make them Slaves, they will be very apt to abhor the Offerings of the Lord.

And therefore in all well-regulated Constitutions, the Government of the Church is moulded according to the Principles upon which the Civil Government stands; for if the Church were to model the State, Christ's Kingdom would be of this World, which he hath expressly told us it is not.

Are not that People then in a sad Condition, when that which is amiss in the State, must not be reform'd, for fear of hurting the Church, as some do vainly pretend?

This I say, because I am afraid it is something our Case at this time; and so the Nation must languish, to satisfy the Imaginations of some People who are afraid of their Shadows.

*Hurting
the Church
an imagi-
nary Fear.*

For how the Church can be hurt by any Laws that concern the State, is not easily to be comprehended, if those Laws establish no other Gospel than that which was deliver'd by our Saviour.

Nothing can hurt the Church but it self, and it is never in more danger than when it is in its greatest Pomp and Grandeur.

*Little Re-
ligion in
many who
bawl most
for the
Church.*

The Deceit of this is very plain; because they that bawl most of the Danger that the Church is in, have the least of Religion in their Lives: for those who live, and understand better, see the Folly of it, as also of that Doctrine of Passive-Obedience and Non-resistance, which many cry'd up as the Corner-stone of the Church; a Burden which they were forward to lay upon other Peoples Shoulders, yet when it came to their own Turn, none were so uneasy under it as they. For when their Rights came to be touch'd, no mens Mouths were so full of Liberty and Property as theirs; but now that the Storm is pretty well blown over, they are angry that that Liberty is granted to others, which yet they promis'd to consent to, and are return'd to where they were, in supporting that arbitrary Doctrine. And to that end, they are inventing new Titles to the Crown for this King and Queen; which plainly demonstrate what steddies Men these are, since in the late Times they would not allow any Title to be good but Succession; yet now they can submit to any other, how contrary soever to Succession, provided they can thereby keep up this arbitrary Doctrine, and get their own turns serv'd.

And first, they find out for this King and Queen a Title by *Conquest*.

*Their Ma-
jesties Title
is not by
Conquest.*

I hope these Gentlemen are mistaken: For if the Case be so, we are all Slaves; and instead of being rid of arbitrary Power by this Revolution, we have help'd to saddle and bridle our selves to no purpose: for People that are conquer'd, hold all that they have at the Will and Pleasure of him who did subdue them.

But how were we conquer'd? Did the Nation conquer it self? If it did, it was an odd thing, and altogether wicked. Or who were conquer'd? not they who actually appear'd in Arms against King *James*, nor those who wish'd him somewhere else, and that was by much the greater part of the Nation.

This is so senseless a Notion, that it only serves to discover the Ignorance or Knavery of those who go about to maintain it: And I suppose we shall hear no more of it, because the Lords and Commons in Parliament by an unanimous Vote have condemn'd it.

The next thing talk'd of, is God's Ways of disposing of Kingdoms; whence they would pretend, that the King and Queen receiv'd the Crown from God Almighty's immediate Donation.

*How a
Crown is
from God,*

It is Blasphemy to exclude the Power of God in any Case; and to exclude the People from having had an immediate Hand in bestowing the Crown, is a new and unintelligible sort of Politicks: for the Drift of this Notion is to make us Slaves, by reason that whatsoever is the immediate Act of God, and a Declaration of his Pleasure, Man hath nothing more to do but to yield an intire Obedience and Submission to it; so that when a King receives his Crown immediately from God, any Provisions or Limitations that can be made by Men, come too late to circumscribe his Power.

*And how
from the
People.*

But is this our Case? Which way did God declare it that this Man should reign over us? or who foresaw upon what Head the Crown would be plac'd, till the Lords and Commons came to a Resolution in it? And therefore it will follow, that the King and Queen receiv'd their Crown from the Hands of the People upon such Terms as they gave it, and God hath not done any thing to exempt them from the Performance of those Conditions.

However, there are those who hop'd to have made their Court to their present Majesties by starting and maintaining those two Notions, *viz.* of Conquest, and of God's Ways of disposing Kingdoms: With what Success, I leave to every Man's Observation, and shall only say this, That it will be a happy Age when Kings are so much dispos'd to the Good of their People, that such Flatterers will meet with no Encouragement from them.

*Debauche-
ries in-
weigh'd a-
gainst.*

I come now to speak of Swearing and Drinking, and I do believe that the horrible Profanation of God's most holy Name was never so common as in this Age. That great and dreadful Name, before which we ought to fear and tremble is us'd with more Familiarity than the meanest thing you can think of. It is a very unfor-

unfortunate thing, whenever we take the Name of God irreverently into our Mouths, altho it happen'd when we are under some Provocation; yet it administers Cause for Humiliation, and a more narrow Observation of our selves for the future, but is in no sort a Justification of us. Therefore to fill their Mouths with tremendous Oaths, when they are cool and in temper, and to swear in common Discourse, is a dreadful Hearing; and really it is come to that pass, that Men don't think they express themselves well and modestly, unless they interlard every Sentence with an Oath or two; and that which is strangely ridiculous, is, that some cannot ask another Man how he does, without wishing his own Damnation.

How this is to be remedy'd, is the Question; for since it could not be prevented from going to the height to which it is now got, it will be so much the more difficult to suppress it; for if in any Case it can be said that the number of Offenders is too big for the Law, it must be allow'd to be so in this.

The Law hath provided very well for the Punishment of such as offend herein, by the Statute of 21 Jac. 1. c. 20. to forfeit twelve pence an Oath. If this were duly put in Execution, I am persuaded it would work a great Cure; these customary Swearers would with more wariness open their Lips, when they found that their Oaths cost them so dear; and I am the rather of this Opinion, because I have observ'd that when a common Swearer is in the presence of any Person, whose Authority or Quality hath an awe over him, scarcely an Oath slips from him, tho he speaks ever so much.

And therefore it is very much to be wish'd, that Magistrates would more strictly inform themselves of such as offend herein, and give them that Punishment which their Offence deserves.

The next thing is the Sin of Drunkenness, which calls aloud for Redress; it being now so common and universal, that People of all Ages, Sexes and Conditions, are infected with it to that degree, that it is become the Reproach of the Nation, which is now as remarkable for this Sin, as it was for the Excellency of our Government during the Reign of Queen Elizabeth. And it may be observ'd, that from the time that this Government began to decay, this beastly Custom first took its Rise; I mean, when Queen Elizabeth's Eyes were clos'd: for from that time hath this Government declin'd, as if she had been alone the Life and Soul of it; and that when she died, it expired with her. For the first Statutes now in force for the punishing of Drunkenness, were made in the Reign of K. James I. and therefore it is more than probable, that till then this Vice was not grown up, to any considerable size at least.

Drunkenness to be redress'd.

Laws against it.

'Tis very strange, that Men cannot enjoy one another, without making their Conversation to become a Sin; and that when People meet to be merry, they think they have left their Work unfinish'd, unless they transform themselves into Beasts: and so great a Force and Power it hath upon many, that they chuse rather to be cloth'd with Rags, than to keep from the Spiggot; it hath brought many a Man to a Morfel of Bread, who was well to live before he fell into that sottish Course. It is not for want of a sufficient Punishment that it is grown to so great a height; for by the 4 Jac. 1. cap. 5. he that is drunk forfeits five Shillings, or for Refusal, or want of Ability to pay it, to be set in the Stocks six Hours; and for preventing of such Intemperance, by the same Statute it is provided, That he who remains Tippling and Drinking in any Inn, Victualing-house, or Ale-house, shall forfeit 3 s. and 4 d. or be put into the Stocks for four Hours.

Statutes against Drunkenness.

By the same Statute it is provided, That he who having been convicted of Drunkenness, shall be again convicted of the like Offence, shall be bound to his good Behaviour.

How the Law comes to lie asleep I know not, for a Law without Execution is but so much Ink and Parchment; and I cannot imagine wherefore no more are punish'd than there are, considering how vast a Multitude there be who offend herein: unless it be because the thing is become so common, that People do not look upon it as an Offence; or else because the Infection is so general, that Men think it unreasonable to have another punish'd for that of which he is guilty himself.

Not put in Execution.

But I am sure there ought to be a Reformation, because the Honour of God suffers so extremely by it; and upon a political Account it ought to be suppress'd, because as whole Families are impoverish'd and ruin'd by it, so Mens Bodies are enfeebled by it, and rendred unfit for Labour, and the Service of the Publick.

Inns, Ale-houses and Victualing-houses, are for the relief of Way-faring Men and Travellers, and such others as cannot otherwise supply themselves with Meat

and

and Drink ; and not for harbouring of leud and idle People, to consume the Time and Mony in Debauchery, as is declar'd by the Statute of 1 Jac. 1. cap. 9.

The Gains which are earn'd by relieving such Persons as the Law allows, are honest and justifiable ; but a Curse most foul and wicked what is now usually gotten by Inns and Ale-houses, who can suffer People to be drinking together in their Houses till unseasonable Hours in the Night ; nay, even on Sundays, and that too during the time of Divine Service and Sermons : and there to spend their Mony and precious Time, when at the same time they know that their Families at Home are starving for want of it.

The Licences given to Ale-houses on condition.

Did Tipling-Houses consider what a Risk they run, surely they would take more care ; for when they receive their Licences to sell Ale, they enter into a Recognizance with Sureties to keep good Order in their Houses, as appears by the Statute 1 Jac. 1. cap. 9. Every Inn-keeper, Victualler and Alehouse-keeper, forfeits ten Shillings that suffers any to sit Tipling in their Houses except Travellers, or such as have not the Convenience of Eating and Drinking elsewhere.

By the Statutes of 7 Jac. 1. and 21 Jac. 1. cap. 7. 'tis provided, That any who should offend against the said Statutes made against Tipling and Drinking, shall be disabled for three years from selling of Ale ; and besides, a Conviction in any of these Cases, is a Forfeiture of the Recognizance which they enter into when they are licens'd to sell Ale : such Care hath the Law taken about them ; but things are at that pass now, as if Drunkenness were no Offence at all, or that there was no Law to punish it.

I cannot but observe to you, how Providence hath order'd things for the Punishment of Ale-sellers almost in their own way ; for the Quartering of Soldiers, without Satisfaction to the Houses, is a very illegal and arbitrary Practice, yet it may in some sort be justify'd as to them, they receiving thereby that Measure which they have meted to others.

These two Things, Gentlemen, I do the more especially recommend to your Enquiry, because they do so immediately concern the Honour of God, and the Peace and Happiness of the Publick.

The Charge to the Jury.

Besides them, whatsoever is an Offence against the publick Peace falls within your Enquiry ; and I believe you so well know them already, that I will not take up your time in repeating of them ; nor will all that you, or any of us can do, signify much till Debauchery is suppress'd, and the Manners of the Nation are re-form'd.

Whilst we bid God defiance with our Lives and Conversations, we cannot hope for Success either in our Fleet or Army, let our Courage and Conduct be ever so great, and tho the Supplies we gave to carry on the War were much greater than they are. And if we will not take warning in time, but go on from Sin to Sin, this War, by which we hope to secure Peace to our selves and our Posterity, may prove our Ruin, by spinning it out so long, till the Purfes of the People are so drain'd, and the Nation so impoverish'd, that it will be an equal choice whether we have Peace or War, being either way expos'd to the like Inconvenience.

There is some great Let or Hindrance lies in the way of our Happiness, or else why do we at this day stand looking upon one another, like the Sons of Jacob, as if we were at our Wits end, not knowing what to think or expect, notwithstanding the great Deliverances that God hath wrought for us ? For we have been wonderfully preserv'd, but not by our own Wisdom or Conduct ; for we have made no other use of those several Advantages which God hath put into our Hands, but as if we expected that he would repeat his Miracles to preserve us.

Ill use made of God's Favour to this Nation.

Wherefore he hath so signally appear'd on our behalf, no Man can determine, yet a Guess may be made : for if his Mercies have their proper Effect upon us, by turning us from the Evil of our Ways, he will then do more and greater things for us ; but if we make him no other Return for all his Benefits, than that of an unthankful and hardned Heart, then hath he shew'd these great Signs amongst us, that he might be justify'd when he judges, and we be condemn'd out of our own Mouths ; which God of his Mercy prevent.

And to that end let every Man do his Duty at all Times and in all Seasons, and mind the Publick more than his own particular Advantage ; let neither the Frown nor Favour of Men, tho'er so great, draw us aside, and then we shall see Peace in our *Israel*.

I doubt not, Gentlemen, but you will do your Parts ; and therefore this is all I have to trouble you with at this time.

An ANSWER to the late K. James's last Declaration,

Dated at St. Germain's, April 17. N. S. 1693.

IT seems we are yearly to expect a new Declaration of the late King, and every one of them is to be of a quite different Strain from another. In that publish'd the last year, King *James* was pleas'd to pull off the Mask, and give us his own genuine Intentions what he had a mind to do with us, when once he came to be our Master. Then he was firmly resolv'd, 'to remount the Throne by force of Arms, and to sap its new Foundation with *English* Blood. This King's *Intentions.* dom was adjudg'd a *Hecatomb* to his Revenge; and indeed the whole Nation was by a fair consequence excepted out of his Indemnity, and nothing but Axes and Gibbets were to atone for the Wrongs we had done him; but now it's thought fit the Mask should once more be put on, and the Thunder of the last Year be hush'd up in the serene Temper of this. Here he 'desires rather to be beholden to his Subjects Love to him, than to any other Expedient whatever, for his Restoration. But the last year he was to use no gentler methods to regain us, 'than a *French Army* my lent him by his dearest Brother the *French* King; that is in plain English, He was to render us Slaves in the Right of Conquest. A wonderful change in Stile! and the first Essay in Politicks of a new Ministry at *St. Germain's*.

But good God! What a low Opinion must the Contrivers of this Declaration entertain of the whole Nation of *England*, if they imagin'd in good earnest such a gross Sham could take with them! When these Kingdoms have so severely felt the Overthrow of their Laws, Religion and Liberties, brought upon them in spite of the most solemn Promises, and the Sanction of an Oath to the contrary; when an unexpected Providence had broke the Yoke from off our Necks, and secur'd to us all those valuable things we were upon the point of losing for ever, by changing our King, without changing the Line or the Monarchy; to imagine that after all this, they can be wheedled to trust the same Prince once more with their All, merely because forsooth he, or some body in his Name, emits a kind of faint Promise to do otherwise than we know to our fatal Experience he did before, is at the same time to suppose this Island to be inhabited by a Herd of Brutes, and not reasonable thinking Creatures. *The Absurdity of his Pretensions*

I challenge all the late King's Declaration-makers, and even the suppos'd Contriver of this last, for whose Parts I have a just Esteem, to give me but one single Instance from History, 'That ever a free People, who from a just and recent sense of an Invasion made by a limited Monarch upon their Laws and fundamental Constitution, had thereupon withdrawn their Allegiance from him, and confer'd it upon another, did ever afterwards willingly and tamely submit to his Government again. No, there is not one Instance of this kind in all the Records of time: For tho scarce one Age has past without some remarkable Revolution in Kingdoms and States; yet a thing of this nature was never yet heard of since the World was. *No Instance of such a Return again.*

This appears one of the most universally receiv'd Principles of human Society, Never to trust the Promises of one that has broke with us before; especially if those former were back'd with the religious Sanction of an Oath. To break thro this Principle in some trivial matter, may be perhaps pardonable in a Philosopher, or some good-natur'd Man that ventures thereby no more than what he is content to lose.

But

K. J's Pro-
mises no
ground for
his Return.

But to submit the dearest and most sacred things that a Man can possess on Earth, the Liberties, Laws, and fundamental Constitutions of his Country, all that either he, or his Children after him, can call or wish their own: To submit all these, I say, to a few feeble Promises of one that has broke to us much more solemn ones before, were a Madness that never a Nation under Heaven was yet guilty of. As it is the easiest thing in the World to promise largely, when a Man finds it his Interest so to do; so it is ordinarily the last Refuge weak Minds have their recourse to, when all other means of Compulsion or Persuasion fail. But at the same time, he that threatens highly, when he thinks he has power in his hands to make his Threats good, and comes thereafter to cajole with soft Promises of good Treatment, when that Power is gone; one must divest himself of all common sense, if he believe that that Man's Mind is really chang'd for the better, and does not ascribe the change of his manner of treating with us, to the change of his Fortune.

The Design
of the
French
landing
last year.

To bring this close to King James's Case: Last Year all things were in a readiness in *France* for a formidable Descent upon us, and indeed it was within an ace of taking effect. We were every minute in hazard of seeing a *French* Army land upon our Coasts, and King James with them. Matters were so ripen'd for them in the neighbouring Kingdom, that an Insurrection was to break out there, as soon as they set foot ashore here. In a word, the great Design of carrying a War into the Bowels of this Island by the Power of *France*, in conjunction with our Malecontents at home, was well enough laid, and wanted but little of Execution. Then was a time for a generous Prince to tell the People of *England*, 'He desir'd rather to be beholden to his Subjects Love, than to any other Expedient whatsoever for his Restoration. This had look'd plausible indeed, and one would have been tempted almost to believe he was in earnest. But alas! the late King thought there was no Obligation upon him then to hide or dissemble his Intentions. Buoy'd up with the hopes of an infallible Success, he spoke his Mind plain out, and in his Declaration at that time emitted (to which I refer the Reader for brevity-sake) he talk'd in a loftier strain from *St. Germain's*, and his Camp in *Normandy*, than ever yet he had done at the top of his Glory at *Whitehall*. Full with the mighty things he was to do at the Head of a *French* Army, he was pleas'd not to treat with us, but to treat us as Slaves he had a mind to conquer with the Sword. Nor could we have expected higher Language, if we had been already lying groveling at a Conqueror's Feet.

But, God be thank'd, the Scene is much alter'd with respect to King James since last Year: All the Designs of the *French* Court for this Year are level'd elsewhere, and we know of no Preparations for invading *England* this Summer. *Scotland* has not only put it self into a posture of Defence, but the whole face of Affairs there is wonderfully chang'd by this Session of Parliament for the better, and the late King's Party sufficiently humbled. It's from the consideration of this change of Affairs in *England* and *Scotland*, the late King has been induc'd to change his Stile; and to this alone, instead of the Threats of the former, we are beholden for this last whining Declaration.

But to come to the Declaration it self, to let the World see how little we fear its being capable to influence any body of common sense to their Party; we shall give the express words of it Paragraph by Paragraph, with some short Reflections on every one of them.

His Majesty's most Gracious Declaration to all his Loving Subjects.

Declarat.

JAMES R.

WHEREAS We are most sensible that nothing has contributed so much to our Misfortunes, and our Peoples Miseries, as the false and malicious Calumnies of our Enemies.

Strange! Might not one have reasonably expected, that in four years Retirement the late King should have been able to attain the Knowledge of the real Causes of his own Misfortunes and his Peoples Miseries? And is he yet to learn what all *Europe* is long since sufficiently persuaded of? If he has, we have not yet forgot the Breach of reiterated Promises, and a Coronation-Oath, the setting up a Dis-

pening

penſing Power above, and contrary to Law; the bringing over an Army of *Iriſh* Papists amongſt us; the employing thoſe, and almoſt only thoſe that by Acts of Parliament were incapable; the turning Men out of their Freeholds for not obeying Commands directly contrary to an Oath they had taken before; the endeavours made, and methods us'd, for overturning the Religion eſtabliſh'd by Law, and bringing in another by the ſame Law abolish'd: with a thouſand other bare-fac'd Violations of our Rights and Conſtitution. All theſe were not the Calumnies of his Enemies. No! it was under thoſe real and felt Evils we groan'd in the laſt Reign: And to a wilful and form'd Deſign of bringing all theſe and more upon us, King *James* is only to aſcribe the loſs of Three Crowns.

' Therefore we have always been, and ſtill are moſt willing to condeſcend to ſuch things, as after mature deliberation We have thought moſt proper for removing thereof, and moſt likely to give the full'eſt Satisfaction and cleareſt Proſpect of the greateſt Security to all Ranks and Degrees of our People. Declarat.

What a wonderful ſtock of Confidence was there requir'd to pen this one ſingle Period? A Period, which tho conſiſting but of two Lines, yet contains no leſs than ſix Superlatives to make up an Aſſertion that all *England* knows to be falſe. Has the late King been always moſt willing to condeſcend to ſuch things as were thought moſt proper, and moſt likely to give the full'eſt Satisfaction, and cleareſt Security to his People? What then meant his ſtiff denial to comply with a Parliament that had expreſt the firmeſt Loyalty to him in his greateſt Exigence, when they came only to addreſs him with all Expreſſions of humility, *not to break in upon the Law, by employing thoſe whom the Law incapacitated?* Why ſent he that Loyal Parliament a packing immediatly upon the back of this Addreſs; and told them plainly, he would do the quite contrary to what they advis'd him? Was this to be moſt willing to give the full'eſt ſatisfaction to his People? No truſting to K. J's Promiſes.

When he would needs invade the uncontroverted Rights of *Magdalen College*, there were not wanting ſome, even then, to adviſe him of the danger and illegality of that Deſign. How willing he was to hear any Terms of Moderation in that Affair, all the World knows; and the thruſting out the Maſter and Fellows of that Houſe, merely becauſe they would not comply with an illegal Command, is not yet quite loſt in the memory of Man. The ſending the Biſhops to the *Tower* was another convincing Evidence of his being always moſt willing to give the cleareſt proſpect of the greateſt ſecurity to all Ranks and Degrees of People. And to add one Inſtance more to a great many others that might be nam'd, His reſuſal afterwards to call a Parliament upon the Addreſs of the Lords Spiritual and Temporal in his greateſt Exigence, and when his own Affairs moſt requir'd it, did ſcarce beſpeak him a Prince moſt willing to give his People ſatisfaction. So that if one had been to adviſe the Contrivers of this Declaration which way to make the whole look more ridiculous, it had been to put in this Period, That he *ſtill is moſt willing* to ſatisfy all Ranks and Degrees of People, in the ſame ſenſe he has *always been ſo*, which we are very inclinable to believe; and ſo in that Point we are agreed. Inſtances of the violation of them.

' And becauſe we deſire rather to be beholden to our Subjects Love to us, than to any other Expedient whatever, for our Reſtoration; We have thought fit to let them know before-hand our Royal and Sincere Intentions; and that whenever our Peoples united Deſires, and our Circumſtances give us the opportunity to come and aſſert our Right, we will come with the Declaration that follows. Declarat.

J A M E S R.

The Writer has ſtumbled here upon two unlucky Expreſſions, *Our Sincere Intentions*, and *our Peoples United Deſires*. When he fell upon the firſt, it ſeems he had in his Thoughts how naturally the People of *England* would be inclin'd to doubt the Sincerity of thoſe Promiſes he makes them in the late King's Name; and even the very moment the Words were dropping from his Pen, he himſelf was thinking how little Credit they would obtain. By this he can ſcarcely be judg'd a fit *Amanu'enſis* for a King. It is infinitely below the Maſteſty and Honour of a Monarch to uſe the word *ſincere* in ſpeaking of his Intentions. Among Gentlemen, the interlarding their Diſcourſe with ſuch an Expreſſion, *As what I ſay is true*, is not fashionable; for the very ſaying ſo, derogates from that juſt ſenſe every virtuous His Intentions not ſincere.

tuous Man has of his own Honour and Veracity, which puts him beyond the suspicion of telling an untruth. But for a Minister to tell the People in his Prince's Name, That his Master's Intentions towards them are *sincere*, is yet more ridiculous, by how much more the Word of a Prince ought to be more Sacred, and less liable to be suspected than that of private Men.

The other Expression, *The united Desires of his People*, is as unluckily chose: If the late King come not to assert his Right till his Peoples *United Desires* give him an opportunity, we are in no great danger of seeing him in *England*, or of making a trial how far he has a mind to keep his Word. *United Desires* is a very comprehensive Word; and it must be some Ages hence that such a thing can happen: For it will be hard enough for the Teeth of one Age at least, to eat out the Remembrance of the late Reign; and while that is not forgot, there is no great probability of the People of *England's* Uniting in their Desires to bring back King *James*.

All that we have hitherto given of the *Declaration*, being it seems intended only for a Preface to another within the Belly of it; the other follows thus:

Declarat. *JAMES R.*
 ' **W**HEN We reflect upon the Calamities of our Kingdoms, We are not
 ' willing to leave any thing unattempted, whereby We may reconcile our
 ' Subjects to their Duty: And tho we cannot enter into all the particulars of Grace
 ' and Goodness, which we shall be willing to grant; yet we do hereby assure all our
 ' loving Subjects, that they may depend upon every thing that their own Repre-
 ' sentatives shall offer to make our Kingdoms happy. For we have set it before our
 ' Eyes, as our noblest Aim, to do yet more for their Constitution than the most
 ' Renown'd of our Ancestors; and, as our chiefest Interest, to leave no umbrage
 ' for Jealousy, in relation to Religion, Liberty and Property.

Who the
 Authors of
 our Calamities.

King *James* has all the reason in the World to reflect upon the Calamities of these Kingdoms, since he was so very careful to bring them upon us. The Calamities we groan'd under in his Reign, have been hinted at before. Where to lay the Causes of the Calamities of this Reign (which we believe is principally, if not only here meant) is worthy of our enquiry; and we need not go far to find them out. It must be acknowledg'd, that War in it self deserves well the name of a Calamity, and a great one too: But this we are at present engag'd in, is a War of Necessity, and to save us from Calamities vastly greater than it self. It's a War for Defence of our Country, our Religion, our Liberties, and all that can be dear to us in the World; all which must stand and fall by the Success of it. If the exorbitant Greatness and Power of *France* should happen to prove fatal to us in the upshot (which Heaven forbid) we know whom to thank for it: And all *Europe*, even those of the late King's Religion, lay both it and all the direful Effects of it, with heaviest Execrations, at his door. It's a Truth as conspicuous as a Ray of the Sun, That the two great Designs which took up the Thoughts of a certain Prince, both before and after his Accession to the Throne, were, *How to make France Formidable abroad, and these three Nations Slaves at home*. It's only in these two Noble Designs he can yet be call'd a *Successful Prince*; and for the first, instead of a Sanctuary in *France*, he deserves well the best Province of that Kingdom.

He tells us, *He is not willing to leave any thing unattempted, whereby he may reconcile his Subjects to their Duty*. So we find neither foul nor fair Means have been neglected, that's certain. Sometimes we have been try'd with Threats, and now there's another trial how far Promises may work upon us. Sometimes the late King has a mind to reconcile us to our Duty by an Army of *French and Irish*; even those generous Gentlemen that have signaliz'd themselves in their own Country for their singular kindness to those of our Religion: And sometimes when the other fails, he designs to be beholden only to his Peoples Love for his Restoration, and to come over, it seems, with only a few that shall be thought necessary to attend his Person.

No Submission due to him.

But we are fairly told, We have been, and are still out of our Duty; otherwise there were no need of *Reconciling us to it*. That is in plain *English*, We are in his sense a pack of Villains and Traitors, that would not tamely submit our Religion, Laws and Liberties to be overturn'd at his Caprice, nor yield up our selves Slaves at discretion; but quite contrary, either concur'd with, or accepted of our Deliverance when Heaven was pleas'd to bring it home to our Door. By this we may clearly judg of the late

late King's Opinion of us, and be better able to make a shreud conjecture of the sincerity of his Intentions towards us. In this word of *Reconciling us to our Duty*, is still the old Passive-Obedience Principle trump'd upon us, which was once within an ace of ruining us all. And King James being still of Opinion, that we fail'd in our Duty when we left that Principle; it was not only altogether needless for him to make all those Promises, but we are Knaves if we receive him not again without them; since according to that Doctrine we are oblig'd to submit to him to day, tho we were sure he would sell us all for Slaves to morrow.

We are told, *We may depend upon every thing that our Representatives shall offer to make us happy.* How willing the late King was to grant what our Representatives did offer to him for our necessary Security only, I have mention'd before. He kick'd them out of doors merely because they presum'd humbly to advise him to govern according to Law; that is, *To employ only those the Law capacitated for Employments.* With what sort of Representatives he aim'd afterwards, during the whole Course of his Reign, to fill St. Stephen's Chappel, *The Regulations of Corporations, the Closetings of Members, the Questions put to almost every Man in England that had a Voice in Elections*; and all the rest of the Means us'd to get a pack'd House of Commons, were too publick witnesses. So that indeed King James may safely enough promise to grant what our Representatives shall offer, if he means such Representatives as those whom he once minded to palm upon the Nation.

But he tells us, *He has set before his Eyes as his noble Aim, to do yet more for our Constitution than the most renown'd of his Ancestors.* This is not the first time we have been told so: And indeed these words appear to come of course; for in a Speech he made to the Parliament in May 1685. he thought fit to tell them, 'That he pleas'd himself with the hopes, that by God's Blessing, and their Assistance, he might carry the Reputation of this Nation higher in the World, than ever it had been in the Time of any of his Ancestors. The truth is, it was a severe proof enough of our Faith even then, to believe the Days of King James the Second should come to eclipse those of Edward the Third or Henry the Fifth, and it will be yet much more so now. Every body was at that time upon the enquiry, How his late Majesty's Hopes were then ground'd, and what were the wonderful Steps by which he expected to arrive at so high a pitch of Glory. We have been sufficiently enabled since to unriddle the Mystery: For instead of Conquests abroad, which have render'd the Reigns of some of his Ancestors so illustrious to Posterity; he had hopes to perpetuate the Memory of his, by much more remarkable, and in his opinion much more glorious Conquests at home, even those he had a mind to obtain over our Laws, Religion and Liberties. Neither in this Design was he altogether inexcusable; since upon his Principles, to subdue the Northern Heresy carry'd more of true Glory along with it, than the Conquest of ever so great a part of the World. If then he unluckily fail'd at that time to surpass the Renown of his Ancestors, by making the Conquests I have hinted at, it's not to be doubted but he will push the harder for it the next time we give him an opportunity of doing it.

' And to encourage all our loving Subjects, of what degree or quality soever, to set their Hearts and Hands to the perfecting of so good a Work, and to unite themselves in this only means of establishing the future Peace and Prosperity of these Kingdoms, We have thought fit to publish and declare, That on our part We are ready and willing wholly to lay aside all thoughts of Animosity or Resentment for what is past; desiring nothing more, than that it should be buried in perpetual Oblivion.

They must indeed be *his loving Subjects* that set their Hearts and Hands to the perfecting the Work of the late King's Restoration; for none that have a true love for their Country will venture upon it. If this Work of restoring him to the Throne, be the only means of establishing the Peace and Happiness of these Kingdoms; then Popery and Slavery must be quite other things than we took them to be. We fondly imagin'd our Lives and Estates could not be better bestow'd than in warding off those two from our selves, our Country and Posterity. But now our late Declaration-makers have found out the Secret; for instead of being such frightful things as we believ'd, they are the only Means to establish our Peace and Happiness; and indeed they, and the restoring of King James are reciprocal, and must of necessity go hand in hand together.

‘ He is ready and willing to lay aside all Resentments for what is past, desiring
 ‘ nothing more than that it should be buried in perpetual Oblivion. It’s hop’d we
 may without offence believe him *to be willing to lay aside all Resentments*, in the same
 sense as we believe him *to have been always most willing to condescend to such things as*
might give full satisfaction to his People; and the rather, that in believing this last,
 we arrive at the highest pitch of Faith, even that of believing against Sense. But
 does he really desire that all that’s past should be buried in Oblivion? Certainly he
 has all the reason in the World so to do; and they deserve to be branded for Fools
 that doubt his Sincerity in that Point. But tho the late King should, yet it’s hop’d
 the People of *England* are not yet willing to bury in Oblivion what is past. The
 sense of the Hazards they were in, was too great to be so soon forgot: And yet
 we are heartily content they should be no otherwise remembred, than as the ship-
 wreck’d Mariner retains the Impression of the Shelve on which he once was in dan-
 ger to split; that is, in order to shun it for the time to come.

Declarat.

‘ And do therefore by this our Declaration, under our Great Seal, solemnly pro-
 ‘ mise our Free Pardon and Indemnity to all our Loving Subjects, of what Degree
 ‘ or Quality soever, who shall not by Land or Sea oppose Us, and those we shall
 ‘ think necessary to accompany our own Person in this just Attempt to recover our
 ‘ Right; or (in such a number of days after our landing, as we shall hereafter
 ‘ exprefs) shall not resist those who in any parts of our Dominions shall, according
 ‘ to their Duty, assert and maintain the Justice of our Cause: Beseeching God to
 ‘ incline the Hearts of our People, that all effusion of Blood may be prevented,
 ‘ and Righteousness and Mercy take place. And for that end, We further promise
 ‘ to all such as shall come to, and assist us, That We will reward them according
 ‘ to their respective Degrees and Merits.

Indemnity

promis’d by
 K. J. in
 order to his
 Restoration
 examin’d.

Here is a touch of that mighty Act of Indemnity we are to be blest with, upon
 the late King’s Restoration. An Indemnity which it’s hop’d we shall never stand
 in need of, and yet one express’d in such words as would stand us in no stead, tho we
 should come to plead it. He pardons all but such as *shall oppose him by Sea or Land*.
 A comprehensive Exception, and full as wide as that Universal one mention’d in his
 Declaration last Year. The word *Oppose* may receive a thousand different Inter-
 pretations from the Bench; and God have mercy on us if ever it come to that!
 For the late King was always careful enough to pick out Judges sufficiently inclin’d
 to put what Interpretations on Words or Things best pleased their Master. How-
 ever it be, we know above One hundred thousand People excepted by this Clause at
 one blow, all our Army by Land, and all our Fleet at Sea: They will certainly
 fall under the word *Oppose*, tho they should never strike a stroke in the Quarrel;
 the receiving a Commission to oppose him among the rest of their Majesties En-
 mies, will admit of no favourable sense in the Case. How far all the rest of the
 Nation may fall under the Exception, we need only stretch the meaning of the
 word a little to find out: and indeed they will all go near to fall under the same
 Category with those that appear in Arms against him; for there is an *opposing* him
 in the Parliament-House, in the Pulpit, in one’s Chamber, and in a thousand other
 ways, which a clear-witted *bene-placito* Judg can easily find out.

As to his Promise of *Rewarding those that shall come in to him*, he has been always
 very careful that no body should have cause to repent their good Service to him.
 Witness the Parliament that had stuck so close to him in the Affair of *Monmouth’s*
 Insurrection, whom he turn’d out of doors when the Danger was over; and the
 Prelates of the Church of *England*, who had adher’d to his Interest in the Matter
 of the Bill of Exclusion, upon whom afterwards he put all the Affronts that were
 in his power: And, in fine, witness a great many Protestants that had serv’d him
 effectually against *Monmouth*, in keeping the Crown on his Head, whom he after-
 wards turn’d out of their Employments, to make way for his rascally beloved
Irish.

Declarat.

‘ We do further declare, That we will with all speed, call together the Re-
 ‘ presentative Body of our Kingdom; and therein will inform our selves what
 ‘ are the united Interests and Inclinations of our People; and with their Concur-
 ‘ rence will be ready to redress all their Grievances, and give all those Securi-
 ‘ ties which they shall stand in need.

What

What sort of Representatives the late King aim'd at when he sat on the Throne, we have hinted at before: They were only such as would break in upon our Laws and Constitution, to favour those that were design'd to be our Executioners, at least the Instruments of our Slavery. A Principle to have such and only such Representatives, was so rooted in the Breast of that Prince, that even when the greatest Danger came afterwards to threaten him, he could not bring himself to the Temper of calling any other, tho most of the Lords Spiritual and Temporal beg'd him earnestly so to do, as the only means to settle the then troubled state of his Affairs. The Difficulties that then environ'd him, forc'd from him indeed a faint kind of compliance with their Desire at first; he made a show of issuing out Writs for calling a Free Parliament: but so strong was his Inclination to have none but such a pack'd House of Commons, as might serve the Great Turn he had so long aim'd at, that before half the Writs were seal'd, all the Scheme was alter'd in a moment, and things went on in the old Channel again. Here was a Demonstration with a witness, how far the late King was inclin'd to *call together the Representative Body of the Kingdom*: And he that could not be brought to it at so pinching a Juncture as that was, can never in reason be thought a hearty Friend to Free Parliaments.

What Parliament K. J. intends to call.

Upon calling this Representative Body, he will *inform himself what are the united Interests and Inclinations* of his People. Sure he cannot be yet to learn what those are; and he has had too many and too remarkable Occasions not to be ignorant of them. He could not but be so much acquainted with the Interests and Inclinations of the People of *England*, as to see a rooted Principle of Liberty in opposition to Slavery, predominant in every *English* Breast; and yet all that did not hinder him from a form'd Design of overturning the very Fundamental Constitution, which rendred that Principle of theirs warrantable.

He could not but know that the Inclinations of the People of *England* were *averse to the Religion of Rome*, and that their Interests were quite opposite to that Hierarchy: Yet this did not dissuade him from making more steps in four years time towards the reconciling this Nation (as the then Court-Phrase was) to the Church of *Rome*, than was made in *France* it self from the Death of *Henry the Fourth*, till about three years before the Edict of *Nants* was revok'd for good and all.

England averse to Popery.

But *with the Concurrence of this Representative Body* he will be ready to redress all Grievances, and give all those Securities of which we shall stand in need. There was a time when scarce one single step was made in the Government, but what well deserv'd the name of a *Grievance*; and how well these Grievances were redress'd, is worthy of our Enquiry. The late King was not warm in the Throne, when he ventur'd fairly to give us a taste of what he was afterwards to do: He order'd a part of the Revenue that expir'd with his Brother's Death, to be levy'd for his own use; and that by virtue of his own Edict, without an Act of Parliament. A little after this, he would needs send a solemn Embassy to *Rome*, to lay his Crown and Kingdoms at the Pope's Feet: A Compliment few Kings ever made, lest it should be taken in good earnest.

The Sights his Ambassador met with there, were not able to mortify his Zeal in the least degree: As he had sent a splendid Embassy to the Pope, so he could not rest till he obtain'd the Glory of seeing a Nuncio sent hither, whom he not only caress'd himself, but made it a Crime even in the greatest Peers of the Kingdom, to refuse to attend at his Publick Entry, a Minister whose Character was in it self High-Treason by the Law of *England*.

K. J's Ambassador slighted at Rome.

After the Storm rais'd by *Monmouth* was over, he plainly tells the Parliament then sitting, *That he will employ Roman-Catholicks in his Army*; that was as much in plain *English*, as if he had said, Gentlemen, I judg it fit to tell you, I think not my self oblig'd to govern any longer according to Law, now that by your kind Assistance I am rid of a Competitor to the Throne. After this we were not to expect any fair Weather; all that follow'd was Thunder and Lightning: The Penal Laws and Test must be taken off; and the Dissenters cajol'd to consent to what at last was to ruin them as well as the Church of *England*. Till a pack'd Parliament could be got to do this Job, a Dispensing Power was set up, that upon the matter was to supply the place of an Act of Parliament. This devouring Monster, altogether unknown to our Ancestors, was not only to swallow up all Laws that stood in the late King's way towards the Grand Design, but was to have the Force of a Law in it self as strong as any ever made by King, Lords and Commons.

It was this Paramount, All-devouring Power, claim'd by King *James*, that produc'd afterwards the Ecclesiastical Commission; the Suspension of the first Bishop of *England*; the dashing in piece the antient Rights of *Magdalen College*; the Imprisonment of the Bishops in the Tower; and a great many other things too long to be mention'd here. All these were Grievances of a deep dye, and yet neither Prayers nor Tears, Submissions nor Remonstrances could prevail with him to mitigate the weight of any of these blows. They were heavy Grievances, and he knew and was told every day they were so; and how ready he was to redress them, the whole Course of that Reign testifies.

In the same sense he is willing to redress our Grievances, he may perhaps be willing to give us those Securities we stand in need of. Thanks to his Love for what we do not want. We know no better, nor more natural Securities than our Laws are; they are the only Fence, next to Providence, we trust in; and while they are not violated, we are safe. But had not we those Securities before? and did not the late King break thro them? Could any Law in the World be express'd in more positive Terms than that of the Test? And yet this well-twisted rope, like that of *Sampson* of old, prov'd but a thred of tow, when the Fury of King *James's* Zeal came to touch it.

Declarat.

' We likewise declare, upon our Royal Word, that we will protect and defend the Church of *England* as it is now establish'd by Law; and secure to the Members of it, all the Churches, Universities, Colleges, and Schools, together with their Immunities, Rights, and Privileges.

K. J. Promises to defend the Ch. of Engl. how to be rely'd on.

This is not the first time the late King has promis'd all this, and done quite otherwise. King *Charles* the Second was scarce yet cold Clay, when in the Speech he made to his new Council, he told them, 'he would make it his endeavour to preserve the Government both in Church and State as it was then establish'd by Law: And afterwards adds, that he shall always defend and support the Church of *England* and the Members of it. I cannot see how larger Promises could have been made: And this last is but a Repetition of the former. Yet how well they were kept, we have number'd up Instances enough already. Thanks to Heaven, and to the Laws already made, the Church of *England*, and the Members of it, are much better secur'd, than King *James's* Royal Word can possibly do it, tho he had never given us ground to call the Truth of it in question. Having so strong Barriers already, we were errant Fools to trust our Safety to so weak props that have fail'd us so often before.

Declarat.

' We also declare, We will with all Earnestness recommend to that Parliament such an impartial Liberty of Conscience, as they shall think necessary for the Happiness of these Nations.

Liberty of Conscience.

We have not altogether forgot what kind of Liberty of Conscience the late King always aim'd at; a Liberty fatal to, and inconsistent with the Safety of the Protestant Religion, and infallibly destructive to the Church of *England*. A Liberty that was to end in the exalting the *Romish* Religion to that pitch in *England* that was not even the Interest of wise Roman-Catholicks themselves to wish. But why recommend to a Parliament Liberty of Conscience? Might not the dispensing Power supply all Defects, as it did before? And if the late King has an unquestion'd right to emit a Declaration for Liberty of Conscience when and how he pleaseth, which was Treason in effect to controvert some Years ago; then it's altogether a piece of folly to trouble a Parliament with it. This one Engine was like *Goliath's* Sword, has none like to it; and it would indeed be a disparagement to use any other when that is so ready at hand on all occasions. But alas! the word *impartial Liberty* has unluckily slip'd into the Declaration. How came any body to dream that an impartial Liberty of Conscience would ever please the Protestants of *England*? An impartial Liberty, is a Liberty of equal extent to all: And does King *James* think the People of *England* would be willing there should be a Liberty of Conscience granted the Roman-Catholicks, equal to what the Laws have already secur'd in favour of Protestants? In this sense all the Bishopricks and Livings of *England* must be divided impartially into equal parts; we must have one Roman-Catholick Archbishop, and the other a Protestant, and thus it must be with the rest of the Dignities and Livings of the Church. The truth is, when King *James* comes back, we shall

shall be heartily content with this Division, and think we well escape too, if he takes no more than one half: But who shall be Security to us we shall lose no more?

' We further declare, we will not dispense with, or violate the Test. And, as *Declarat*
' for the Dispensing Power in other Matters, we leave it to be explain'd and limited
' by that Parliament.

A very gracious Promise, and a mighty Condescension! He will not dispense *The Test to be kept up: Dispensing Power to be regulated.*
with the Test, as he did before, tho still he has a right so to do if he pleases: for we were often told in the last Reign, that this Dispensing Power was one of the brightest Jewels of the Crown; and in a Royal Declaration for Liberty of Conscience to the Neighbouring Kingdom, he told them plainly he dispens'd with all Laws to the contrary, by virtue of that absolute Power every body was oblig'd to obey without reserve. So that here is indeed no more than a simple Promise not to make use of that Power to dispense with the Test, which he has an undoubted Right to still: whereas the Law and the People of *England* say, there is no such Power lodg'd any where; and nothing but an Act of Parliament can suspend or make void an Act of Parliament in this case. But pray how does this Promise, not to violate the Test, agree with the Notion the late King always express'd he had of it? He was pleas'd in his Closetings of Gentlemen, constantly to inculcate into them 'the unjustness of the Test in it self, how contradictory it was to that Christian Charity which ought to be among his Subjects; how contrary to the very Law of Nature it self, that any body should be incapacitated to serve their Country upon 'the account of their Religion. These were the common Places the late King had constant recourse to, in all his Arguments for taking off the Test: And in a great many Papers publish'd at that time by publick Authority, the same frightful Ideas were again and again represented. If this Test then be such an unjust thing in it self, if so contradictory to the Rules of Charity and the Law of Nature, how comes it about now, that he is resolv'd not to violate that, which according to his Principles he is indeed oblig'd to abolish? But Promises cost nothing, especially when the Performance is never intended.

' We declare also, That we will give our Royal Assent to all such Bills as are ne- *Declarat*
' cessary to secure the frequent calling and holding of Parliaments; the free Elec-
' tions, and fair Returns of Members; and provide for impartial Trials; and
' that we will ratify and confirm all such Laws made under the present Usurpation,
' as shall be tendred to us by that Parliament.

Here is a very comprehensive Paragraph, and deserves well to be taken into *Frequent*
consideration by pieces. *He will give his Royal Assent to all such Bills as are necessary* *Parlia-*
to secure the frequent calling and sitting of Parliaments. We all know the Reason of *ments how*
putting in this Clause at this time: But instead of frequent Parliaments, if King *to be call'd;*
James were once again upon the Throne, we would rather there were none at all; since nothing can be of more dangerous Consequence to *England*, than the sitting of such kind of Parliaments as that which King *James* always aim'd at. Doubtless we should then have a Representative Body (to give it in his own words) that would render all Representations of the People in Parliament for the time to come utterly needless. We might expect to see our Liberties and Laws given up to the Will of a Prince all at once, and all the struggles between the Prerogative and Rights of the Subject put an end to at one blow, in the intire resigning up all Pretences to these last for ever. So far then would the calling of Parliaments be a Terror to us, that ev'ry Session of them would be but so many new Links added to our Chain, till all remaining Impressions of our former Liberty were intirely swallow'd up in an irrecoverable Slavery.

The Freedom of Elections, and fair Returns of Members, are two things diame- *Freedom of*
trically opposite to the late King's former Measures: And he does, or at least may *Elections.*
know the Temper of this Nation better, than to hope to succeed in his Designs by the means of a Parliament freely constituted of true *English*-men. Slavery is a Pill will never go down with them; And it's only to a pack'd House of Commons that those of King *James's* Religion can ever owe their long experienc'd Triumphs. That he will provide for impartial Trials, we do not at all doubt, if he mean Trials without Favour or Prospect of Mercy; for of those, the last Reign was but
one

one continu'd Instance; and indeed no body can blame the late King for not executing Justice to the full.

But this is not all; there are yet greater Blessings in store for us: 'He will ratify and confirm all such Laws made under the present Usurpation as shall be tender'd him by that Parliament. Good God! where have we been all this time with our Distinction of a King *de facto*, that some People have coin'd to save both their Credit and Estates! Our Law says expressly, *That whatever is done by a King in possession, is sufficiently valid.* But here the late King at one dash (and I believe, without thinking on what he had promis'd us a few lines before) does plainly insinuate, that he is resolv'd to stand to what has been enacted by a King in possession, not *because it's Law*, but out of mere Compliment to his new Parliament. So we have here a standing Law since the days of Henry the 7th, torn up by the Roots, and one of the most necessary Provisions for the Publick Safety unhing'd: And if this be not all over the dispensing Power, or rather worse, I refer it to every body of common Sense. However, if it be any Mitigation of Sorrow to have Companions in it, we shall have the Pleasure to see our *de facto* Gentlemen come in for their share of a Publick Calamity, in which their nice Distinction will stand them in no stead, as probably some of them vainly hop'd.

Declarat.

' And in that Parliament we will also consent to every thing they shall think necessary, to re-establish the late Act of Settlement of *Ireland* made in the Reign of our dearest Brother; and will advise with them, how to recompense such of that Nation as have follow'd us to the last, and who may suffer by the said Re-establishment, according to the degree of their Sufferings thereby; yet so as that the said Act of Settlement may always remain intire.

' And, if Chimney-Mony, or any other part of the Revenue of the Crown, has been burdensom to our Subjects, we shall be ready to exchange it for any other Assessment that shall be thought more easy.

Fair Promises as to Ireland consider'd.

There was certainly a great Measure of Confidence requir'd to mention the first part of this Period without a Blush. The abolishing the Act of Settlement in *Ireland* was the late King's Master-piece. In *England* he made only one step after another in order to overthrow our legal Constitution: But in *Ireland* he was pleas'd, and that in a Parliamentary way, at one blow to overthrow the Great Charter by which the Protestants of that Island enjoy'd their Estates. The true Reason of this difference in his treating them and us, was because here he had not yet been able to get a Parliament according to his mind; but there he found just such a one as he wish'd for. They went thorow-stitch without the least hesitation, and struck home at the Root of the *English* Liberty, in making void the Act of Settlement, which was the only Pillar it lean'd upon. But now he will consent to the re-establishing that Act of Settlement. Very probable; the only best time for a Man to shew his real Inclinations is, when he is Master, and may do it without controul. By what the late King did in *Ireland*, we may best judg what he inclines to do of himself; for there he was Master of his own Designs, having few or none but those of his own Religion and Principles about him, and consequently none to oppose him. If then it was that he shew'd such an open Hatred against the Protestants of *Ireland*, as at one dash to send some Hundred Thousands of them a begging, by making void the Fundamental Law to which they ow'd their Bread, what are we justly to expect from him in *England*, if we by an unexampled piece of Folly bring him back to be our Master here?

But tho he designs to re-establish the Act of Settlement in *Ireland*, 'he will not permit his dear *Irish* to suffer by it; no, they are to be recompens'd according to the degree of their Sufferings. This Period must certainly be a very relishing one to the many thousand Protestants of that Kingdom, who have been ruin'd by the *Irish*, and who cannot think of them without a just Horror for the Barbarities they committed in the two last Rebellions. We are to have Golden Days, when those whose Hands are yet reeking in Protestant Blood, are to be recompens'd for shedding it. Strange! We must be the most abject Slaves that ever were, if we can hear this with Patience. And what signs has the *English* Nation yet given of so gross Stupidity, that encourag'd the Contrivers of this Declaration to banter us at this rate? It had been time enough to have told us this, when the Rope was about our Necks, and we groaning under the weight of our Chains; but beforehand, while

while we are yet free, to entertain us with such a dismal prospect, is a piece of Policy I believe very few are able to fathom.

He puts a mighty Obligation upon us in being ready to exchange the Chimney-mony for any other Assessment that shall be thought more easy. The truth is; this is wisely enough propos'd, and upon a very reasonable foresight. If ever the late King return, Chimney-mony must certainly sink; no Protestant that can flee, will be very desirous to stay in *England*, and consequently from that and a thousand other Calamities wasting us, there must necessarily be a vast number of Houses without Fire or Smoke, for want of Inhabitants.

' Thus we have sincerely declar'd our Royal Intentions, in terms we think necessary, for settling our Subjects minds; and according to the Advice and Intimations we have receiv'd from great numbers of our loving Subjects of all Ranks and Degrees, who have adjusted the manner of our coming to regain our own Right, and to relieve our People from Oppression and Slavery. Declarat:

' After this, we suppose it will not be necessary to enumerate the Tyrannical Violations and Burdens with which our Kingdoms have been oppress'd, and are now like to be destroy'd.

We have a great many too recent grounds to know the late King's Royal Intentions towards us, without running to this Declaration to search for them. The Truth was, he could not in some sense be call'd a dangerous Prince, as People are inclinable to call those that hide their Designs from publick View. He was open enough in all he aim'd at; and whether it was from his natural Temper, or that he thought himself sure of Success, he was never at much pains to disguise his Intentions, but instead of working under ground our Ruin, he push'd it on with a high hand, and like *Alexander the Great* (tho upon a more ignoble occasion) he scorn'd to steal upon us a Victory. But all this Openness was only when he was upon the Throne, at the Head of a good Army; now the case is quite alter'd, and a little disguising is thought proper in his present Circumstances.

We know of no Oppression and Slavery we lie under at present. If our Taxes be thought heavy in themselves, they are not so, if we consider they are given to ward off the greatest Miseries that can befall a Nation; and we must be a base People indeed, if we think our Religion and Liberty can be too dear bought. Now, we pay a part, and have a right to call the rest our own; but if our Enemies had their wills of us, instead of a part, they would make themselves Masters of our All. Herein we make a Composition, that a great many of our Neighbours envy us for, who would be heartily willing to part with the Quota of their Estates we retain, provided they might be suffer'd to enjoy the Proportion but of what we pay. Eng. under
no Oppres-
sion or Sla-
very at pre-
sent.

' And whereas our Enemies endeavour to affright our Subjects with the Apprehensions of great Sums which must be repaid to *France*; we positively assure them, That our dearest Brother, the most Christian King, expects no other Compensation for what he has done for us, than merely the Glory of having succor'd an injur'd Prince. Declarat:

To tell us at this time of day of the Generosity of his dearest Brother, the most Christian King, is news indeed. All *Europe*, and his own Subjects, are sufficiently sensible how well that Name becomes him. Tho he had mortally hated the late King, he did no more but what his own proper Interest oblig'd him to, in protecting him: And never had a Prince a larger prospect of Advantage, than the *French King* has at present from King *James*; since it's by his means he intends, if possible, to make these three Kingdoms Slaves to *France*. But how comes the late King to make us so large Promises for his dearest Brother? Is it because he supposes no body will be prevail'd with to believe the *French King* upon his own word? and if so, he is much in the right on't. Or is it, that he expects we will rely more upon his Word, when he promises for another, than for himself? If so, he is mistaken, for we believe 'em both alike. The King of *Spain* has more reason on many accounts to call the *French King* his dearest Brother, being indeed so in more Senses than one; and yet he has found to his sad Experience, that no Oath nor Treaty could tie him up from Pretensions less plausible than those he has against *England* upon the account of King *James*. He renounc'd again and again by his solemn The Fr. K's
Generosity
consider'd

solemn Oath, and upon the Sacrament, all Pretences to *Flanders* in right of his Mother or Wife; and yet every time he swore so, he broke it as soon as he was in a Condition so to do. Shall King *James* or we expect better Treatment from the *French* King, than the King of *Spain* his Cousin-Germain, and Brother-in-Law, that never wrong'd him, has met with? We to whom he imputes his having been put to the Charges of a long War, and King *James* who has been upon the matter the original Cause of it?

Declarat. ' We only add, that we come to vindicate our own Right, and to establish the
' Liberties of our People. And may God give us Success in the Prosecution of the
' one, as we sincerely intend the Confirmation of the other.

JAMES R.

' Given at *St. Germain's en Laye*, April 17th S. N. 1693. and in the Ninth Year
' of our Reign.

God save the King.

K. J's Pro-
testations
consider'd.

The Contrivers of this Declaration have made pretty bold with the late King, in palming upon him a kind of Oath or Execration, that it's probable he knows nothing of. Methinks they deserve but little thanks that put thus upon their Master, what they themselves believe he would not approve of; unless they think, after the breach of a Coronation-Oath, all other Promises may be broken of course: and so they may coin as many Oaths and Promises in his Name as they please, if it serve their turn. Well! for our part, we are once willing to say *Amen* to the late King's Prayers; and so persuaded are we of his real Intentions towards *England*, that, in his own words, ' We wish him Success in
' the Prosecution of his pretended Right, as he sincerely intends the Confirmation
' of our Liberty.

Thus have I fought with a Phantom, appearing in the likeness of a Declaration from King *James*, but for ought I know, *A Paper contriv'd, writ, and printed here without his Direction, and perhaps his Knowledg.* I pretend to no Honour in so inglorious a Cause; tho I must acknowledg the Decency that's due to a Prince whose Name is affixt to it, has hinder'd me from treating the Party that contriv'd it, so ill as they deserve.

The

*The Lord Chief Baron Atkyns's Speech
to Sir William Ashhurst, Lord Mayor Elect of the
City of London, at the time of his being Sworn in
their Majesties Court of Exchequer, on Monday
the 30th of October, 1693.*

My Lord Elect,

THE Duty of that Place, wherein as yet I serve their Majesties, doth oblige me to say something to your Lordship upon this great and solemn Occasion. I thought I might have been excus'd by reason of great Indispositions of Body that are at present upon me; but since it is my Duty, by the Grace of God I will endeavour to discharge it with all Faithfulness and Freedom: And I am the more encourag'd to undertake it, because of the great Merit of the excellent Persons that are before me, to whom I must more particularly apply my self in what I have to say.

I shall raise my Discourse from two Heads, and they are very Vulgar, and they are very short, each of them consisting but of two Words in *Latin*, *Foris Arma*, *Consilium Domi*; Wars abroad, but Counsel at home: the first tells us of our Danger, the latter teacheth us our Duty.

Foris Arma: It pleaseth Almighty God, that after some years gone over our Heads since the last Revolution, and after so much Blood spilt, and so much Treasure spent, we yet continue in a State of War, and that with a Prince who is very powerful, is highly inrag'd against us, and is very prosperous. His Power at Land appears in this, that he has rais'd three great Armies, and maintain'd them, and with his single Force is able to cope with almost all the united Forces of *Europe*. His Power at Sea appears in this, that he can encounter with the united Strength of three great Nations, the *English*, the *Dutch*, and the *Spaniards*; each of which (single) not long ago had been too hard for him.

I shall tell you in a few words, what the Design of this great Enemy of ours is; not that I mean to tell you News, for I suppose there are none here present but know it: but I am afraid, we are not so sensible of it as we should be, we do not so well consider it as we ought. But, however, I must mention it, because it induceth much of what I have to say.

The Design of this great Prince, the King of *France*, is this: First, to make himself Universal Monarch of the *West*; and if that were all, it were not so bad, for it doth not so much concern the World who governs, as how they govern. But in the next place, it is to establish an absolute arbitrary Power every where: He would rule us with a Rod of Iron, his Will and Pleasure must be the only Law. And in order to this, he doth endeavour to make all other Princes and Monarchs seek to be absolute and arbitrary too, in their Dominions, that he alone may have the Power of ruling them, and that they may have their Dependence alone upon him; and therein he would have the Prerogative that belongs to Almighty God, to be King of Kings, and Lord of Lords. He would be the great proprietary Owner and Disposer of all Estates and Possessions at his Will and Pleasure, to lay what Taxes and Burdens upon them he pleaseth; they shall toil and moil, they shall plow and sow, and he shall reap and divide all among his *Bassas*, and *Janizaries*, and Men of War. He would destroy the Protestants, and root out their Religion, and suffer no Religion to be profess'd any where, but the *Popish*; and that not out of Zeal or Love to Religion, but he would make it a State-Engine, that pretended Religion being most sutable to serve his ambitious Designs.

These are his Designs, and I shall prove it to you by some most manifest undeniable Instances. And I have them already collected to my hand by an excellent Author, and his Name is Dr. King (late Dean of *St. Patricks* in *Ireland*, but who since that was made Bishop of *London-Derry*) in a Thanksgiving-Sermon of his preach'd at *St. Patrick's* Church in *Dublin*, upon the reducing of that Kingdom, before the Lords Justices of *Ireland*. It is in print, and any one may have recourse to it.

The Design
laid in the
year 1671.

In the first place, he does state this to be the Design of the *French* King, as I have stated it, and then proceeds to the proof of it. And the first thing is a Paper found in the Closet of the late Lord *Tyrconnel*, then Colonel *Talbot*, where the Design is laid open; it is dated in *July* 1671 (now two and twenty years ago) there is the first Scheme of the Design laid between the *French* King, and our late King, King *Charles* the Second; and it is a Scheme of such a Design as I have told you of, and then it proposeth the means for effecting of it.

To bring in
Popery.

First, To procure Popery to be establish'd in *England* by a Toleration; next, to suppress the Insolency (as that Paper calls it) of the *Dutch*: And the last is, to have a strict Alliance between the *French* King and the King of *England*. And by this means (as that Paper concludes) would the King of *Great Britain* be absolute Monarch over his own Subjects.

D'Avaux's
Memorial.

Another Proof he produceth, is a Memorial deliver'd in to the States of *Holland* in the year 1688. and that was by Monsieur d' *Avaux*, the *French* Ambassador, then at the *Hague*. In this Memorial all this Design is stated bold-fac'd. There he tells the States, there was a Treaty between our then King, formerly the Duke of *York*, and his Master the *French* King, in the year 1671. and that was to this purpose, to bring about such a Design as I have spoken of; by which means (as that Paper hath it) the *French* King would be universal Monarch, and the King of *England* absolute over his own Subjects: and by this means there would be a Re-establishment of Popery in these three Kingdoms. This is his second Proof.

Molony's
Letter con-
firming the
same.

The third is a Letter written by *Molony*, the Popish Bishop of *Killaloo* in *Ireland*, and directed to another, wherein he states this to be the Design of the *French* King that I have mention'd, and the means the same to effect it. In which Paper, saith my Reverend Author, there is great Anger express'd, that some Trimmers about the late King do disown any such Treaty with the *French* King.

Treaty be-
twixt Eng-
land and
France be-
fore 1671.

So that here are clear Proofs, that this was the Project between the two Crowns of *England* and *France*, of a very long standing. There are Proofs in Writing, and under the Hands of those who were imminently instrumental in the carrying on of the Design. But had I time, and were it so pertinent (especially here) I could make that Design between *England* and *France* elder than 1671; and particularly, I need but mention the business of *Rochel*. You may see how that Achievement of that King (this *French* King's Father) by the management of his politick Minister Cardinal *Richlieu*, is celebrated with wonderful Encomiums by him that was then Secretary of State. They date their Freedom (as they call it) and their Power over the Protestants, from that Acquisition, and acknowledg that it came by the help of *England*, which is a great shame to be said. The poor Protestants in *France*, particularly in that City, pray'd Aid from hence, and they had some Ships, six Merchant-ships sent them; they expected their Deliverance by this means: but when they came, instead of helping them, their Men and Provisions were deliver'd over into the Power of the *French* King; which when they saw, they presently threw open the Gates, and submitted to Mercy: And ever since that, the *French* Kings have been absolute over their own Subjects.

England
the Cause
of the Loss
of Rochel.

Coronation-
Oath chan-
ged by Bp
Laud.

But I must not enlarge much more upon that Head, else I could tell of some great Designs of the same kind at the same time here at home; as the striking out of that part of the antient Oath in King *Charles* the First's Time, at his Coronation by Archbishop *Laud* (that the King should consent to such Laws as the People should chuse) and instead of that another very unusual one inserted, *Saving the King's Prerogative Royal*. I do not deny but the King of *England* has a large Prerogative, as much as a good King can desire: He has a Prerogative to do good, he is only restrain'd from doing hurt: For our Law says, *The King can do no wrong*. He has we say a Prerogative that is part, and an eminent part of the Law; but it is not above the Law.

And I could tell you of something more of that kind done since, in the time of the late King *James*, at the time of his Coronation, there was much more struck out of the Coronation-Oath; which might be well worth the enquiring how it came about.

about. But I let that pass, I have made out to you what our great Enemy's Design is, I will now tell you by what means he has endeavour'd to effect it.

He doth first confederate with the *Great Turk*, that profess'd Enemy of the Christian Religion, he has brought him into *Europe* to destroy Christianity: And as this Enemy of ours, the *French King*, would destroy Protestants, so would that Confederate of his destroy and root out all Christianity; and yet must this Great Prince the *French King* (forsooth) be call'd the most Christian King.

France in Confederacy with the Gr. Turk.

He doth break thro all the Bonds of Religion, Morality and Common Justice; he hath openly and publicly profess'd he would not be a Slave to his Word and Oath. He values not all the Edicts, under which the poor Protestants of *France* had their Protection. He did take a solemn Oath, and he took it upon the Sacrament, that he would renounce all Pretensions of Title to the *Spanish Netherlands*; and yet you see he is gaining the possession of it thro a Sea of Blood. He doth (as we have great reason to suspect) by his Agents and Ministers, corrupt with Bribes and Pensions (or at least endeavours to do it) those that are Agents, and imploy'd under his Opposers, to get Towns and Fortresses into his hands, those unmanly, ungenerous, unprincely means. And we have reason to suspect him to have had a hand in Designs of assassinating those that are his Enemies, and to have join'd with Dealers in Poisonings. This, I say, we may very justly suspect, tho we cannot offer undeniable Proofs of it: But after all, I should instance in that base, corrupt way of sending *Midianitish Women*, according to the Counsel of *Balaam*, to lull Princes asleep, and dive into their Counsels, and betray them to Death.

Fr. K. a Breaker of Oaths, &c.

But besides, there is one piece of Policy of his, wherein he outdoeth all other Princes whatsoever, and that is, the great thing of maintaining and managing Intelligence. He can tell when your Merchant-Ships set out, and by what time they shall return: Nay, perhaps, he does take upon him to know by the help of some Confederacy with him that is Prince of the Power of the Air, that the Wind shall not serve in such or such a Corner, till such a time; he knoweth when our Royal Navy is to be divided, and when it is united.

France has good Intelligence.

And shall I guess how he comes to have such Intelligence? that were well worth the hearing: I would but guess at it, and I would in my Guesses forbear saying any thing that is dishonourable to any among our selves. We all know the Scripture tells us, that the good Angels are Ministers of God for good to the Elect. It is the Comfort of all good Men that they are so. It is said, *He will give his Angels charge over thee to preserve thee in thy way*; and I hope we are every one of us in our way. But we have reason to believe, that the wicked Angels are very instrumental in carrying on such Designs as this great Man hath undertaken.

How he comes by it.

It is a vulgar Error that hath obtain'd among some of us, that these wicked Spirits are now confin'd under Chains of Darkness in the place of Torment. I remember that Expression of some of them to our Saviour, *Art thou come to torment us before the time?* It was not then the time of their being tormented. It is rather to be believ'd, that they are wandring about in the Air, and are fleeting to and fro, driving on such wicked Purposes as this our Enemy is engag'd in.

We know grave and serious Historians give us Instances of Correspondences held by both good and bad Spirits here; the Wicked by God's Permission, the Good by his Command and particular good Providence.

Evil Spirits

So the Death of *Julian* the Apostate Heathen Emperor, who was kill'd in his Wars in *Persia*, was known in the very moment of it at the City of *Rome*, at a great distance from the place of Battel, to the no little Joy of the Christians. And this I suppose was by the Ministry of a good Angel.

We have Instances of another nature, of what has been done by evil Angels. In the instant of our Saviour's Passion, if we may believe credible Historians, it was known at a vast distance from *Jerusalem*, at Sea among some who were then in a Voyage. They heard a Voice in the Air, crying out of the Death of the great God *Pan*: After which follow'd great Howlings and Screechings; whence we may suppose by the Expression, that this was by some wicked Spirits that were hovering then in the Air, and did communicate this piece of Intelligence.

I shall say no more on this Subject; but before I go off from this Head of *Foris Arma*, I would observe one word that may afford your Lordship and us some Comfort, or at least some mitigation of what may else be afflictive upon this account. We have *Arma* in the Case, but they are *Foris*; the War is Foreign. We have cause to bless God it is not yet in our own Country: We are not sheathing our Swords in the Bowels of one another, as some of us know it heretofore hath been.

Our Advan-
tage in be-
ing an I-
sland.

been. It is abroad, we know not how soon it may come home to our own Doors. But it pleaseth God of his great Mercy, that our Nation, wherein his Providence hath plac'd us, is an Island, which lies not so open to the Incursions and Invasions of a ravenous Enemy, as the Continent doth. What a desperate Condition had ours been, if it had not been for this our Situation, long e'er this? Consider what a sad Condition those poor Creatures are in, who live in the Seat of War; themselves, their Wives and Children, all Slaves to the Conqueror's Sword, daily under Oppressions, Rapines, and Cruelties; one day under one Power, another day under the opposite Power. This is their Condition; blessed be God it is not yet ours.

I shall say no more upon this Head, but resort to the other Head that I mention'd at first, *Consilium Domi*. And it is a Mercy from God, that we have an Opportunity yet left us for Counsel, a Winter before us to consult in; and wherein, tho we do not doubt but our great Enemy will be very active, yet he cannot make such a vigorous Progress in his Designs, as he may at another time of the Year: We have yet time to consider, and confer together.

And it is the Happiness and Blessing of Almighty God, that we have the so near prospect of the Great Assembly of Parliament, that will be *Consilium Domi* indeed. If there be any Miscarriages, any ill Intelligencers, any inbred Traitors and Enemies within our selves, they will we hope take care about them. The House of Commons we know is the grand Inquest of the Nation: It is one of their great Offices and Duties to make Enquiry after, and prosecute such Offences; and we doubt not they will do it.

Princes
Counsels oft
betray'd.

It is not lightly and groundlessly to be suspected, that those who lie in the Bosoms of Princes, should betray them: But yet I will tell you, that no Prince hath reason to be secure in that point. I cannot read that Passage of the Royal Psalmist, without a great deal of Compassion for the Condition of Princes in this respect. *David* was a holy Man, belov'd of God, of great Courage, Parts, and Piety; yet consider what he makes his own Case to be: *My Familiar Friend, he that eat of my Bread, hath dealt treacherously with me.* But he describes him further than that, *We took sweet Counsel together:* So that it should seem he was a Privy Counsellor, as well as a familiar Friend. Nay, yet further, *We went to the House of God together:* So that he was of *David's* Religion, he was one that join'd in the same Worship with him, he was no Dissenter. Nay, he was one that profess'd great Love to the House of God; possibly he might be a great Champion for the Church, and the Head of the Party: Yet such an one *David* describes him to be, who had betray'd him.

We have besides this (which brings the matter home to what we have now before us) great need to take care to chuse excellent Persons into Offices of Magistracy, especially for this great City, upon whose Good depend many things, that I shall tell you of by and by, and on which depends so much the Good of the Nation.

The Lord
Mayor com-
plimented.

And, my Lord, here we have cause to rejoice that that great and wise Body have made such a Choice for their prime Magistrate as your Lordship, one every way so fitted and qualified for that great Office. My Lord, I will tell you what Comfort I hope for from it, and I make no doubt, many others that are here do the same; that hereby we have a Token for good in the Inclinations of the Citizens, we feel their Pulse, we know what their Temper is, and we rejoice in it; it is spoken in their Choice of you. They appear to be Lovers of their Country, Lovers of their Religion, Lovers of the true *English* Interest, and well inclin'd to set the World at liberty, as to their Civil and Religious Rights.

My Lord, I have a further Comfort in this matter; the Election of Officers is a deliberate Act, it is the Fruit of Counsel (which is the Head we are now discouraging of) and the Result of Wisdom. But, my Lord, we may look higher; even in this Action of the Citizens there is, as in all great human Actions, the *Primus Motor* to be consider'd, the mighty God that governs in the Hearts of the People, he hath put it into their Hearts to fix upon you. What do we gather hence? *Vox Populi est Vox Dei*; Almighty God hath chosen you.

It is a mighty Curse, as we read in the Book of God, to have a wicked Ruler set over a People: On the other hand, it is a great Comfort and Happiness to see a good Man chosen to bear Rule among us. Almighty God hath given us in this an Earnest and a Pledg that he will not yet leave and forsake us, and I raise to my self a good ground of great Comfort from it.

My Lord, in the third Century, after the time of our Saviour, there was one *Fabian Bp*
Antenor the eighteenth or nineteenth Bishop of *Rome* died, and the See became va-
 cant, and the Christians in a great Body met together to chuse a Successor; and be-
 ing in the Field together, a great many Names were toss'd to and fro of Persons
 that might be fit to be chosen: But there was in the Croud one that was known to
 a very few of that Multitude, he was among the *ignota Capita*, one *Fabianus*, who
 was a plain Country Parson, very obscure, but a pious meek Man, who little
 thought of, or sought the Bishoprick. As they were tossing about several Names,
 at last, in the open view of the Assembly, there was a Dove lighted upon the Head
 of *Fabianus*, which when the People saw, they presently with one Voice chose
 him to be Bishop: You have the Relation in *Eusebius*, an Ecclesiastical Writer of
 great Note and Credit.

*of Rome
how chosen
in the 3d
Century.*

A Dove lighted on his Head! an excellent Emblem for a Bishop, who ought to
 be of a meek and Dove-like Temper and Disposition: *Amari non timeri debent E-*
piscopi. It was the blessed Spirit of God in that Similitude which lighted upon the
 Head of our Saviour, to give Testimony to him as the Son of God at his Baptism;
 and it was a Dove that brought the Olive-branch into the Ark. It is an excellent
 Emblem of a Magistrate, who ought to be like a Dove without Gall.

My Lord, indeed there was no Dove lighted upon your Head at your Election,
 nor was there need of any, for Miracles were never done in vain; it had been a Mi-
 racle if you had not been chosen: Your being every way so fit and qualify'd for
 this Trust and Command, did bespeak your Election.

It is a dispute among the Learned, whether Government be of natural Right or
 human Institution. I remember the learned *Hooker* in his *Ecclesiastical Polity* says,
 some Persons have a natural Right to be Governors; that is, Men of great Virtue,
 Parts, and active Spirits, that are Mercurial: Others again are fitted for Subjection,
 being of duller Tempers, and more sluggish heavy Spirits; some are fit for Hands,
 others for Heads.

*Govern-
ment of na-
tural In-
stitution.*

There was a noble *Roman*, who was call'd *Mecænas*, of whom *Tacitus* tells us, *Mecænas*.
 he was never Consul in *Rome*, nor Senator, but yet had as great Authority both
 with Senate and People, as any of those who had triumph'd, because of his excellent
 Parts and great Virtue. It might have been said of him, he lov'd our Nation, and
 hath built us a Synagogue; that is, he delighted to do them good, and they would
 all listen to him upon all occasions, tho he never had any of the Badges of Authori-
 ty confer'd upon him.

It is taken care of by our Law, that that Coin which is current among us must
 not be of the baser Metals, but of one of the two finer Species, Silver or Gold;
 it must have intrinick Value, as well as the Royal Impress. This Election of your
 Lordship, and our Swearing you and all this Ceremony, gives but the Stamp and
 Impression, it was your own intrinick Value before that intitled you to the Office.

My Lord, I shall say no more upon this Subject, but shall make all the hast I can
 to conclude with that which is my Duty, to give some Advice to your Lordship:
 Not but that you know your Duty as well as I can teach it; but I must not neglect
 any part of my own.

My Lord, I must advise your Lordship to take care, First, of Religion, and of
 the Service and Worship of God in the City, to keep it up in Power and in Purity.
 If we would have God to be our God, and our Friend in a time of Distress, we
 must carry it towards him dutifully and religiously, and then we shall have him al-
 ways our Friend, our Father and Protector. Therefore, my Lord, be severe upon
 all open profane Persons, Swearers and others, and those who are not afraid to vent
 their Atheistical loose Opinions in Religion. There are a great many profess'd
 Atheists among us; and there are, I fear, a greater number that pass under a new
 name of Deists, that are of as pernicious Principles, and indeed, I fear, more
 dangerous, who throw off all reveal'd Religion whatsoever. Pray have a care of
 these, and such as lead dissolute and debauch'd Lives; for if they be tolerated, they
 will prove great Snares and Mischiefs to us all; and therefore I hope your Lordship
 will look carefully after them.

*Advice to
the Lord
Mayor.*

*To be se-
vere a-
gainst all
Debauche-
ries and
Profane-
ness.*

In the next place, pray, my Lord, take care of the Peace and Quiet of the City,
 upon which the Peace of the Nation so much depends. We have those among us,
 and a great many, who, with false Rumours and Reports, and other Artifices
 and cunning Contrivances, would disturb the Peace of the Nation, and put Frights
 and Fears into the Multitude. It would be a desperate Remedy, that of Insurrec-
 tions and Tumults. Your Lordship will do well to have an Eye upon them, and
 prevent

prevent the Beginnings. They are well join'd together in holy Writ; it is Almighty God alone that can still the raging of the Sea, and the Tumults of the People. Whatsoever may be the Pretences upon which they are first got together, we know not what they may turn about to when once they have a Head.

Justice to
be duly ad-
minister'd.

My Lord, you will likewise do well to take care, that the Proceedings of your Courts of Justice be clear and speedy, and not too chargeable to the Suitor. And here I cannot but renew the mention of a thing that I have often spoken of; I wish there were a good Law against selling of Offices in the City, and every where else, it doth corrupt the Fountain of Justice. I speak not so much of your Offices, but of those in your Courts of Justice; it may prove the Ruin of the City, and the Destruction of the Government.

To look to
the Poor.

Pray, my Lord, take care of Charity; look after the Poor, especially in this hard Winter, and now there is such a scarcity of Corn, and such a dearth of Coals: Your Lordship in great Prudence and Wisdom, and of your great Charity, will, I hope, think of it in time, and provide Stores for the poor People, that they may not be in extreme Want as to Food or Fuel.

Caballers
against the
Govern-
ment.

I beg of your Lordship to be vigilant over those who meet together, and cabal, and study how to disturb our Peace. My Lord, they do now appear open-fac'd, and affect to be known as Enemies to the Government. They will not join with us in observing our Fasts, but take occasion on those days to feast and be jolly with one another; they purposely pride themselves in paying double Taxes, because thereby they are known to be against our present Settlement. These must have a strict Eye kept upon them.

I had much more to say upon that Point, but I have been too long already. I come now to the last part of this Work that lies upon me, that is, to offer your Lordship some Considerations, that may encourage you in the chearful Discharge of your Office.

The good
Examples
of former
Ld Mayors.

Among other things, you have the good Examples of your two last Predecessors, who indeed are so honourable and worthy Persons, that they may be counted among the Worthies of *David*; and in particular, your immediate Predecessor that stands by you, who hath, during his time, well preserv'd the Peace of the City, and deliver'd it fairly into your Lordship's hands: Tho we cannot say, he hath brought the Ship into Harbour, yet he hath fairly perform'd his part of the Voyage, notwithstanding the Roughness and Tempestuousness of the Season.

Particular
Providence
attends the
King.

My Lord, you have the Example of the King himself to incourage you, who hath, with great Courage and Love to our Nation, expos'd his Person to the utmost Perils and Hazards for us. And it is not only his Virtue that may be an Incouragement, but it is evident now to all the World, that there hath a blessed Providence attended him in the greatest Dangers, to preserve and protect him. In the business of Fights, there is not a Bullet that flieth, but it is under the Government and Direction of Providence. And it is to a Miracle apparent, that the Hand of Providence is continually over the Head of our King.

Cæsar's
Action in
Distress.

When *Julius Cæsar* was in great Distress, *Pompey* his Enemy having possess'd himself of all the Power, and shut him up under great Difficulties, he puts himself into a Disguise, with a purpose to make his Escape, and imbarc'd himself in a small Vessel. When he was there, he could not prevail upon the Pilot to put to Sea, it was rough and tempestuous, like the Times we are now in; all the Arguments he could use would by no means do with him: At length he was forc'd to throw off his Disguise, and shew himself, and tell him, *Cæsarem & Cæsaris fortunam vebis*; You have *Cæsar* aboard, and *Cæsar's* good Fortune. That which he call'd Fortune, I will call Providence; and that Providence which preserv'd the King, I make no doubt will protect you in your great Station.

Worship of
God to be
look'd to.

My Lord, you have under your Care (and I am glad the Care is in such hands) the Worship and Service of Almighty God, and his Glory is engag'd on your side. Our great Enemy, that I have spoken so much of before, most blasphemously and impiously arrogates Glory to himself, which is God's Prerogative. *My Glory*, saith God, *I will not give to another*: But the *French King* snatches at it; he declares openly, that the *Dutch* are a Hindrance and Diminution to his Glory, and we may expect to have the same said of our selves.

My Lord, I say, you have this Glory of God on your side, and you have the Prayers and Assistance of a great many that love God; a great many in your City, I dare pronounce, more than in any place under Heaven. The Prophet complain'd, that he was left alone to serve God: But God answer'd him, that he had
sevens

seven thousand in Israel who never bowed the knee to Baal. I may multiply that number of seven, as our Blessed Saviour doth in the case of forgiving our Brother: There are seventy times seven thousand in this City, and about it, that never bowed the knee to Baal, never had a hand in all the Miscarriages and illegal Actions of the late Times, would never own Popery and Arbitrary Power.

I question not there are a great many more in the rest of the Kingdom; these may be an encouragement to you. You have the Interest of all the Protestants in the World, and all that are concern'd for their Civil Rights, and their religious ones too on your side.

My Lord, I shall only conclude with one word: Your Entrance into this great Office is very hopeful; we all of us heartily wish your *Exit* and Conclusion may be as happy.

The following MAXIMS were found amongst the Papers of the Great Almanzor; and tho they must lose a good deal of their Original Spirit by the Translation, yet they seem to be so applicable to all Times, that it is thought no Disservice to make them Publick.

Printed in 1693.

I. **T**HAT a Prince who falleth out with his Laws, breaketh with his best Friends.

II. That his exalting his own Authority above his Laws, is like his letting in an Enemy to surprize his Guards. The Laws are the only Guards he can be sure will never run away from him.

III. A Prince that will say, He can do no good except he may do every thing; teacheth his People say, They are Slaves if they may not do what they have a mind to.

IV. That Power and Liberty are like Heat and Moisture; where they are mixt, every thing prospers; where they are single, they are destructive.

V. That Arbitrary Power is like most other things that are very hard, they are also very apt to break.

VI. That the Profit of Places should be measur'd, as they are more or less conducing to the Publick Service; and if Business is more necessary than Splendor, the Instruments of it ought in proportion to be better paid: That the contrary Method is as impertinent, as it would be to let the Carving of a Ship cost more than all the rest of it.

VII. That where the least useful part of the People have the most Credit with the Prince, Men will conclude, That the way to get every thing, is to be good for nothing.

VIII. That an extravagant Gift to any one Man, raiseth the Market to every body else; so that in consequence, The unlimited Bounty of an unthinking Prince maketh him a Beggar, let him have ever so much Mony.

IX. That if ordinary Beggars are whip'd, the daily Beggars in fine Clothes, out of a proportionable respect to their Quality, ought to be hang'd.

X. That Pride is as loud a Beggar as Want, and a great deal more saucy.

XI. That a Prince who will give more to Importunity than to Merit, had as good set out a Proclamation to all his loving Subjects, forbidding them to serve well upon peril of being undone by it.

XII. That

XII. That a wise Prince will not oblige his Courtiers, who are Birds of Prey, so as to disoblige his People who are Beasts of Burden.

XIII. That it is safer for a Prince to judg of Men by what they do to one another, than by what they do to him.

XIV. That it is a gross mistake, That a Knave betwixt Man and Man, can be honest to a King, whom of all others Men generally make the least scruple to deceive.

XV. That a Prince who can ever trust the Man that hath once deceiv'd him, loseth the Right of being faithfully dealt with by any body else.

XVI. That it's not possible to find out such an honest Knave as will let no body else cheat him.

XVII. That if a Prince doth not shew an Aversion to Knaves, there will be an Inference that will be natural, let it be ever so unmannerly.

XVIII. That a Prince who formeth his Opinion too soon, will be in danger of repenting it too late.

XIX. That it is less dangerous for a Prince to mind too much what the People say, than too little.

XX. That a Prince is to take care, the greater part of the People may not be angry at the same time; for tho the first beginnings of their ill Humours should be against one another, yet if not stop'd, they will naturally end in anger against him.

XXI. That if Princes would reflect how much they are, in the power of their Ministers, they would be more circumspect in the choice of them.

XXII. That a wise Prince will support good Servants against mens Anger, and not support ill ones against their Complaints.

XXIII. That Parties in a State generally, like Free-booters, hang out false Colours: the pretence is, the Publick Good; the real business is, to catch Prizes; like *Tartars*, whenever they succeed, instead of improving their Victory, they forcibly fall upon the Baggage.

XXIV. That a Prince may play so long between two Parties, that they may in time join together to be in earnest with him.

XXV. That there is more Dignity in open Violence, than in the unskilful Cunning of a Prince who goes about to impose upon the People.

XXVI. That the People will ever suspect the Remedies for the Diseases of the State, where they are wholly excluded from seeing how they are prepar'd.

XXVII. That changing Hands without changing Measures, is as if a Drunkard in a Dropsy should change his Doctor and not his Diet.

XXVIII. A Prince is to watch that his Reason may not be subdu'd to his Nature, so as not to be so much a Man of Peace as to be a Jest in an Army, nor so much a Man of War as to be out of his Element in the Council.

XXIX. That a Man who cannot mind his own Business, is never to be trusted with the King's.

XXX. That Quality alone should only seem to make a shew in the embroider'd part of the Government; but that Ignorance, tho ever so well born, should never be admitted to spoil the Publick Business.

XXXI. That he who thinketh his Place below him, will mind it so little, that he will certainly be below his Place.

XXXII. That when the Prince's Example ceaseth to have the Force of a Law, it is a sure sign that his Power is wasting; and there will be but little difference between Mens neglecting to imitate, and their refusing to obey.

XXXIII. That a People may let a King fall, and yet still remain a People; but if a King lets his People slip from him, he is no more a King.

A short

A short State of our Condition, with Relation to the present Parliament.

Printed about Nov.
1693.

IT is too sad a Subject to admit of Raillery, otherwise a Man might say that we may defy all the Plots of the *Jacobites*, and the Machinations of *Republicans*, since there is so good an understanding between the King and his People, since the People have chosen him a Parliament, of which he thinks so many of the Members are fit to be employ'd by him, as well as entrusted by them. A Man might droll on, but he can have no *English* Heart, nor thinking Head, who can sport himself with our Calamities. There cannot sure be any Circumstance which can make *England* more impregnable, more glorious and happy, than when the King and Parliament jointly agree in national Designs. But neither can there be any Juncture more fatal, than when a House of Commons seem as much in a separate Interest from that of their Country, as Parasites in these latter Reigns have persuaded our Kings to be. Such a House of Commons will make Slavery Authentick, will bubble us out of all sense of Liberty. What with talking of the Church and the Monarchy at one time, and the *French* and Popery at another, they will first cheat themselves, and then delude as well as betray the Nation. They will most easily betray the Nation, because we are not apt now to find fault with any thing that has a Parliamentary Sanction. That two hundred thousand Pounds a Year bestowed upon the Parliament, has already drawn out of the Subjects Pockets more Millions than all our Kings since the Conquest have ever had from this Nation, and that without any rude Complaint, is a proof, that if a King can manage well Mr. *Guy's* Office, he may without much ado set up for Absolute. *Venalis est Anglia, for Venale est Parliamentum.* Heretofore indeed it was not necessary only that a Parliament should give, but that they should give reasonably; as *Flammock's* Rebellion, and others in King *Henry* the Seventh's Reigns witness: and yet I believe our Rolls will not furnish us with many Sessions wherein Money was given, and no one Country Bill granted. But our Ancestors were wise enough to instruct their Members, and our Constitution so regular, that we had frequent Elections. But when think you shall we have a new Election now, since the King has about sixscore Members that I can reckon who are in Places, and who are thereby so intirely at his Devotion, that altho they have mortal Feuds when out of the House, tho they are violently of opposite Parties in their Notions of Government, yet they vote as lumpingly as the Lawn Sleeves, never divide when the Interest of the Family, as they call it, is concern'd, that is to say, when any Court-Project is on foot? The House is so Officer'd, that by those that have Places and Pensions, together with their Sons, Brothers and Kinsmen, and those who are fed with the hopes of Preferment, and the too great Influence these have upon some honest mistaken Country-Gentlemen (who are possibly over-frighted with the *French*) the King can baffle any Bill, quash all Grievances, stifle Accounts, and ratify the Articles of *Limerick*: I call them mistaken Country-Gentlemen, who can be persuaded that an honest Bill can be at any time out of season. I confess they must adore Kings more than I do, who when their own Management has brought them into Difficulties and Straits, don't love to make good use of their Humiliation. I would trust an elected King a great way, if I saw he understood Election to be his Title; if our Generosity would engage him to Reformation: But when I see he knows neither his own nor our Interest, employs many of those who have been our Enemies all along, and were his when the Debate of the Crown was on foot; when I see him hate and nickname as *Commonwealths-men*, those whose Principles made them the Authors of his Greatness, and those that would have him do the Business for

No greater
Happiness
to England,
than the
King and
Parliament's
conjunction
in National
Designs.

Danger of
bribing a
Parliament.

Enemies to
the Revolution
in
Employment.

for which he came, for which both he and we said he came; when I see him sometimes soliciting in Person in the House of Lords, at others by my Lord *Portland*, besides what he does by all his under-Officers; when I hear he sends Commands to some Lords, and Bribes to others, and turns out of his Place the gallant Lord *Bellamount*, merely for giving his Vote in the House of Commons according to his Conscience, and thereby intends to terrify others; when I find the Money the Nation gives to defend our Liberties from Foreigners abroad, is like to undermine them at home: In a word, when I see neither the one nor the other House can withstand the Power of Gold; I say, when I perceive all this, it is time to give Warning, it is time to look about us.

Corruption
prevails
every
where.

I once thought to have affix'd to this Paper a List of those that are in Office; which if I had, it would not only have shewn how many Members are bought off, but would have pointed out many amongst the Number of Favourites and Pensioners, who we expected should rather have been punish'd. Had we intended to have justified what we have done to after-times; had any thing but personal Grandeur been the real Intention of him, who we intended to have been, and valu'd himself most upon being our Deliverer; these Men must have been mark'd down as Betrayers of their Country, who are now made the chief Supporters of his Throne. I thought we call'd over the Prince of *Orange* to get or give us all the Laws we wanted; to have made the Elections of Parliament secure and frequent, Trials impartial, the Militia our standing Force, and the Navy our Strength. I thought we had call'd him over to call Ministers to an Account, and to have put it out of their Power impunibly to abuse us hereafter. If any Spirit of Liberty remains, if we are not destin'd to Destruction, sure the Nation will take some way to let the King and both Houses know that they expect they should not only provide for a Campaign in *Flanders*, but (if we should yet have our wish'd for Success) for our Security even against our own Victories, and such Laws as may make it worth while at this time to defend our Country: I say worth while to defend it; for if we are to be Slaves, it's no matter to whom we are so. I would not embarrass the Government, but I would have those that are in it understand that it is for our Good, and not to gratify their Ambition, that they are put into those Posts.

Members
of Parlia-
ment for-
merly paid
by the
Country.

It was the Custom formerly for the People to pay their Members, and those Members were trusted by the People to keep the Ballance between their Liberties and the King's Prerogative. But since they are retain'd by him with such overgrown-Fees (such Places and Preferments) to be Council on his side, how can the People hope they will be just in their Arbitration? But after all I would not be thought to insinuate, that all that are in Places give up the Interest of *England*: There are some, and those in great Places too, of whom I can't allow my self to have one hard Thought; tho there are others of whom the World had a very good Opinion, who since they have had Preferment, have taken care to convince us, that we were mistaken in their Characters. Lest the Good should not be distinguish'd from the Bad, I forbear making a List, which most Members, if they please, can make for themselves and their Neighbours, and more exactly than I can do it; and I think the best ought to suspect and examine their own Consciences, whether their Employments don't bias their Votes. If Men are to make Fortunes by being of our Senate-House, we had better our selves pay the Disbursements of those we send, we had better our selves allow them plentiful Salaries for sitting there; each particular County would save by it in the publick Assessments, and find their Account in it, whilst they preserve their Members from the Temptation of being hir'd out of their Interest, and consequently get good Laws for what they give. We can scarce pay too much for good Laws: and if we have not some that we have not yet, we shall not when the War is over (let it end which way it will) be able to call what we have our own. If the Members of Parliament are to overlook all the Ill-husbandry of the Government, that they may share in the Profuseness and Bribery of it; if our Rights are set to sale by some, and neglected by others, when the very Being of the Government depends upon our being pleas'd; what Amendment, what Confirmation shall we have of our Constitution when all our Dangers are over? This is a Thought deserves our most serious Reflections. In the late times the City of *London* often petition'd for passing of Laws; Will they always lend Money now, and never expect a thorow Alteration of the Ministry, and Securities for the future against Court-Projectors? In King *James* the First's time there were certain Sparks that undertook for Parliaments, that were call'd Undertakers; and there is a certain Secret that has stole out of our *Cabinet*, that one there immediately on the King, refusing

Managers
of Parlia-
ments
actions.

^refusing the Triennial Bill last Sessions, undertook that it should be thrown out the next time they sat, with as much Scorn and Contempt as was the Judges Bill. It is time to have Annual Parliaments instead of Triennial, since Privy Counsellors and Lords of the Treasury (both which Station this Person enjoys) can so perfectly feel the Pulse of a Parliament, during an Interval. I could name a certain Gentleman who exactly resembles *Harry Guy*, that the last Sessions when the House was a little out of Humour, dispos'd of no less than sixteen thousand Pounds in three Days time, for secret Service. Who are in Places we may find out, but God knows who have Pensions; yet every Man that made the least Observation can remember that some who open'd loudly at the beginning of the last Sessions, who came up as eager as is possible for Reformation, had their Mouths soon stop'd with Hush-mony. It has been of some time whisper'd, that if this will not at first pre-engage to do what will be exacted at their Hands, we shall have a new Parliament. I can't tell whether a new Parliament will not be practis'd upon by the Carmarthen Art; however it is our last and best Remedy: for if this continues, God have Mercy upon poor *England*; for hitherto we have been, and we are like still, for ought I see, to be re-paid for all our Expence of Blood and Treasure, with a mere Smoke that *Boccaline* mentions in his Advices from *Parnassus*, whereby the Enemies of the Government have but too great Advantage given them to ridicule us for our foolish Credulity.

A Dialogue betwixt WHIG and TORY, Printed about Nov. 1692.]

Alias Williamite and Jacobite.

Wherein the Principles and Practices of each Party are fairly and impartially stated; that thereby Mistakes and Prejudices may be remov'd from amongst us, and all those who prefer English Liberty and Protestant Religion, to French Slavery and Popery, may be inform'd how to chuse fit and proper Instruments for our Preservation in these Times of Danger.

To the KING.

^{S I R,}
TH O the sacred Majesty of Kings (I am sensible) ought not in common cases to be approach'd by every little Busy-body, or frivolous Remonstrance-maker; yet when our Prince's Palace is on Fire, and his sacred Person in the midst of the Flames, the meanest of his Subjects hath the Privilege then to give him warning of his Danger, and to assist to quench the Fire: And this I am afraid, Sir, is at present too near our Case, or I would not have assum'd the Boldness to disturb your Repose, or have plac'd my self so disadvantageously before your Majesty, as I must expect to appear, under the Character of a publick Censor of the Manners of your Ministers, and a petty State-Reformer. But it is not I alone that am thus concern'd and busy for the Publick; the whole World are at this time mournfully reflecting upon the miserable Estate we are fallen into from that happy and glorious Prospect of things which we had in 1688 and 1689: This hath put all Men upon Enquiry into the Causes of the unhappy Change of our Affairs; and I find it agreed on all hands, that the principal Occasion of our Misfortunes (or rather

ther Mismanagements) is from the intrusting those with the Government of all, who were the Creatures and Tools of the two last Reigns, and are irreconcilable Enemies to your Majesty's Government; those who oppos'd your coming to the Crown; those who declar'd to your Face King *James* the only Rightful King; those who sold their Country and betray'd it to the two last Kings, and will be always ready to sell it even to the *French* King, if he prove the fairest Chapman.

I have heard that *Thurloe*, who was Secretary of State to *Cromwell*, being ask'd by King *Charles* the Second, how they did support their Government so long, when all the Nobility, Gentry and Clergy were against it? he reply'd, *By intrusting those only in the Management of all Affairs, who were as heartily against that Nobility, Gentry and Clergy.* I do not apply this literally; for God be prais'd, your Majesty hath a great part of all these several Degrees of Men, who are most heartily and zealously in your Interests: But I mean by this, that you are to oppose your Enemies with their Enemies, not with their Friends. And that the Design of keeping out King *James* with Jacobites, seems to be as impracticable, as his Project prov'd of setting up Popery with a Protestant Army.

Yet there are some about your Majesty, who (for base and private Ends) endeavour to possess you with the destructive Politicks of courting and buying your Enemies into your Service, and would persuade you, that King *James's* Tories are the only Party truly principl'd for Monarchy, and are fittest for Employment, as being long practis'd in Business: And that (on the contrary) your Majesties best Friends, whom they call Whigs, are not only ignorant, and unacquainted with Publick Business, but are Haters of Monarchy, of Commonwealth-Principles; and at best, for making their Kings no more than Dukes of *Venice*, and Kings of Clouts. Now this is a Notion so false, so fatal to the Prosperity of your Affairs, and so dangerous to the very Being of your Government, that I cannot but think it highly necessary, that this matter should be fairly stated and laid before your Majesty. I am sensible how unfit I am for the Task, and how open I lie to a Charge of Presumption in attempting it. But as the Son of *Cyrus*, who was from his Birth dumb, broke Silence when he saw his Father in the Hands of his Murderers; so (since I saw no other Champion appear in this Cause) I resolv'd to break thro all Impediments, even those of Nature, and to endeavour the Rescue of my King out of the Hands of those who have already been the Ruin of two Kings, your Majesty's Predecessors, and who will undoubtedly bring you and your Affairs into great Difficulties, if you be not deliver'd from their Counsels.

In order to this, I have impartially made a Collection (in the following Dialogue) of all the Arguments which Whigs imploy against the Tories, or Tories against the Whigs, and submit it to your Majesty's discerning Judgment, and most piercing and distinguishing Wisdom (upon the whole) which of them are most proper for your Majesty to employ; those who were in the Interest of Popery and of *France*, or those who oppos'd both to the Death. I appeal to you, Sir, whether a Tory's being for the Divine Right of Succession, and consequently for King *James's* Monarchy, makes him the fitter in Principle to be employ'd by King *William*? Or, whether his boasted Skill in Business will be of any use to your Majesty, if he be in Principle and Inclination for King *James*, and believes King *William* a King *de facto* only, without a Rightful Title, and in plain *English*, an Usurper? If these Gentlemen (as their Principles will naturally lead them to do) use all their Skill in their several Stations, to obstruct and make difficult your Affairs, to betray your Designs to your Enemies, to countenance and protect King *James's* Friends in all their Plots and Contrivances, furnish them with Intelligence, help them to Passes, Escapes, &c. all which things (it cannot be deny'd) have been and are daily done by some Persons employ'd in this Government: Of what Use, Sir, or Service then is this boasted Skill in Business to your Majesty's Interests? Certainly Men less conversant in Publick Affairs, who have a Zeal for your Government, would be of more Use and Service to you; Men who were persecuted by King *Charles* and King *James* either in their own Persons, or in the Persons of their Friends, who were fin'd, imprison'd, and some of their Relations hang'd in those Reigns, are more likely to act in earnest against King *James*, and in the supporting your Majesty and your Government, than those who had their Fortunes and their Families rais'd by King *James* and his Brother King *Charles*, and who hope to be rais'd yet more by his Return, or at least to secure in his Government what they have got in this, by obliging him and his Friends, at the Price of sacrificing you and yours.

For Example: Is it reasonable to believe the E. of N. whose Father and Family was rais'd by King *Charles* and King *James* for prostituting the Law (and his nauseous Rhetorick) to the Designs of those two Brothers, who himself was a Privy-Counsellor with Father *Peters*, and chosen by King *James* at the time of the Revolution to treat with your Majesty at *Hungerford*, in order to delay your Progress to *London*; and lastly, who so violently oppos'd your Majesty's being crown'd King, as to lay an eternal Obligation upon King *James* by it: I say, Sir, is it reasonable to believe this Gentleman so proper a Secretary of State to your Majesty, as the Earl of *S.* who hath so mortally disoblig'd King *James*, in being so early, and so zealous in your Interests, who went at the Head of that Message to King *James* wherein he was requir'd to retire from *Whitehall*; who hath since that been so instrumental to place and preserve the Crown upon your Head; and hath, in a word, broken all Measures so with King *James*, as to leave no possibility of a Reconciliation to him, and consequently hath no Retreat from this Government, but is oblig'd in common Sense to serve your Majesty faithfully and zealously?

Or can your Majesty think Mr. *K.* who (it is generally said) believes himself the Son of King *J.* and it is known by all the World, owes his Fortune to him; who (if we may believe Report) at the time of the Revolution, agreed with Captain *Tosyer*, to carry the Ships he then commanded in the *Straits* to King *James* in *France* (had not the common Sailors very rudely oppos'd the Project) who after this acquitted himself so ill at *Cadiz*, in letting the *Thoulon* Squadron pass by him in his sight, without fighting them; and to conclude, hath made so unaccountable a Campaign of it this Summer: Can your Majesty (give me leave to say, Sir) think this Gentleman (after all this) fitter to command the Fleet of *England*, than Mr. *R.* whose Provocations to King *James* are never to be forgiven by him; who was one of the most instrumental Men in *England* in placing you upon the Throne; who last year gave you the greatest and most glorious Victory that ever was obtain'd by us at Sea; and whose Courage, Conduct and Fidelity the Parliament of *England* hath unanimously attested?

And now, Sir (if I may presume so far) will your Majesty be pleas'd to examine what Honour, what Profit hath accru'd to you, or the Nation by your employing these Gentlemen who have of late been at the Head of the Ministry. For God's sake, Sir, cast up the Account of the last four Years Management, and see what You have gain'd by changing Whigs for Tories: Have not your Affairs gone backward both at home and abroad? Have not Mismanagements been multiply'd? Have you not cool'd your Friends, and yet not gain'd your Enemies? Do not almost all the Tories you employ drink King *James*'s Health in your Wine, and serve him in your Offices? Do they not obstruct all Business which ought to be dispatch'd, and dispatch all Business which ought to be obstructed? browbeat your Friends, and delay them in their most just Pretences, but comply with your Enemies in their most unreasonable Demands; nay, connive at their Cabals and Conspiracies, and snatch them out of the Hands of Justice, when the Law hath sentenc'd them to Death for their Treasons? Would not such Ministers and Friends as these be less dangerous to you, when professed Enemies, nay in Arms against you in the Field, than in your Council, Cabinet and Offices? Undoubtedly they would.

But I know the common Answer to all these kind of Complaints is, That it is more easy to find Faults than Remedies. If you please therefore, Sir, we will consider of Remedies, and I think there may be some found out both easy and certain, and they are these: First, Sir, be pleas'd to remove from your Person, Council and Offices of Trust, Men bred up and confirm'd in Principles destructive to our *English* Government, and hateful to your People; and to discountenance all State Projectors, and Mountebank-Ministers, who make Wounds in the State to recommend their Balsam: Throw out, Sir, these Achans to be ston'd by the People, who will otherwise, I fear, prevent God's Favour to you; who blast your Success abroad, and rob you of the Affections of your Subjects at home, with their accursed thing, I mean that Tinsel Power with which these Miscreants dazle the Eyes of Princes, and lead them out of the right way. God is displeas'd with it: For uncontrollable and unaccountable Power is the Right and Attribute of God alone; and (as the Scripture tells us) *He will not give his Glory unto another; nor suffer those to act as Gods, who are to die like Men.* Your People also will be displeased with a Despotick Power; for the Kings of *England* are bound by Laws, by mutual Compacts, &c. (as you your self, Sir, have set forth most unanswerably in your Declaration when you came over) and if these are broken, *English-men*, who believe themselves Subjects to the Crown of *England* (as by Law establish'd) and not Slaves to any particular

ticular Person (a); they become impatient, angry, and at length perhaps unreasonable. And whenever they see their King beset with Ministers of Lawless Principles (those wholesale Merchants of arbitrary Power) they grow mistrustful and uneasy, and are apt in such Cases to shut their Purses, and open their Mouths. And give me leave to say, Sir, had not the People been made apprehensive and jealous, by seeing these Men in the Ministry, whose mischievous Methods they were so well acquainted with, and did so much abhor; no general Excise, no Loans, no Powers would have been thought by the People of *England*, too much to have intrusted you with; so highly they esteem'd your generous Relief of them, your unequal Courage, and the many other admirable Vertues they saw shine in you. An *English* King is the greatest Monarch upon Earth, when he reigns in the Hearts of his Subjects; and all other Methods to Power and Greatness have been found ineffectual in *England*. I remember I once saw written over a Mercer's Shop, *Keep thy Shop, and thy Shop will keep thee*: and tho it be a homely Allusion, it is very applicable to the present Point; *Keep your Laws, Sir, and your Laws will keep you*; support your People in their Rights and Liberties, and Queen *Elizabeth* shall pass her Royal Word for them, they will support your just Prerogative at home and your Honour abroad. And, Sir, by the way, do not let your Flatterers give you a cheap Opinion of a Power deriv'd from the People; for it is undoubtedly from their Consent, that all Power must come: Nor let them make you uneasy that your Title to the Crown is from the universal free Choice of the Commons of *England*: Believe me, your Ministers, nor the two learned Bishops who have scribed upon this Subject, will ever be able to find you a better.

In the next place, discharge all Jacobites and Trimmers from Offices of Trust: For such as either desire King *James*, or from their Fear, or Wisdom, endeavour to deserve from him (so much as their Pardon) I humbly conceive are unfit for your Service at this Juncture; tho when the Government is more settl'd, I am for entertaining all who give Proofs of their Penitence for their past Actions and Opinions.

But, Sir, Purgatives will not alone perfect the Cure of your Government, and restore it to perfect Health: you must make use of Alteratives too, there must be a Change of Measures, as well as a Discharge of Men: And the Method I would humbly offer is this.

First; To make the Interest of *England* your chief Design and Aim; and since you are an *English* King, to become intirely an *English-man*. *England* is a Nation jealous of Rivals in her Prince's Favour, and thinks her self deserving of all his Care, and all his Caresses. If the People of *England* think you have a favourable Opinion of them, they will endeavour to deserve it; if not, they may perhaps deserve your worst Opinion too. This Humour of the Nation Queen *Elizabeth* found early, and apply'd her self so happily to it, as by this single Point to master all her Difficulties (the greatest it may be that ever Prince had to struggle with); whereas her Successors, by contrary Measures, brought themselves into very unfortunate Circumstances.

In the next place, Sir, let me desire you to avoid concerning your self in Elections of Members in Parliament, or influencing them when chosen: the Parliament is a sacred part of the *English* Constitution, and like the *Israelites* Ark of old, is not to be touch'd profanely, but with great Danger to those who touch it so. And therefore, Sir, it will be your true Interest to leave the People free to their Choice, and the Members free to their Opinions when chosen. It is still fresh in our Memories, how much the Practices of the late Reigns in corrupting Elections, and Closeting Members of Parliament, enrag'd the Nation, and they had reason to resent it; for if (for the sake of a Vote) a Member of Parliament shall be plac'd in an Office of Trust he is not fit for, this is destroying the Government two ways at once: For, to speak in the Phrase of the Ministry, it is making a Parliament of Clouts, and an Officer of Clouts at the same stroke. Rejecting Bills offer'd by Parliament of publick Benefit, and for securing our antient Government, and the Fundamental Rights of the Subject, was highly displeasing to the Nation also in the late Reigns, and will be so in all Reigns: As was likewise the denying the People their undoubted Right of frequent Parliaments. They had also in the late Governments an Invention to make a Pump of the Parliament, and by pouring in a Pint of Water, to fetch out a Tun: This

(a) Otherwise King *James* would have a fairer Pretence, than I hope we shall ever allow him.

was justly most provoking to the Nation, and treasur'd up Wrath against the Day of Wrath.

The refusing of Bills, and the Contempt of Addresses from the Parliament against Ministers, or in any other Cases, hath likewise given great Offence in former Reigns. For tho the House of Commons, seconded by the House of Lords, cannot reach the Life or Estate of any Person, but by a full Proof in form of Law; yet because it is so difficult a matter to come at such a Proof, a Vote of the House of Commons against any Minister, hath always been esteem'd by all Kings (who were well with the People) a sufficient Reason for the removing them from Court: and I have heard that our King Henry the Fourth (a warlike and wise Prince) upon an Address from the Parliament against some of his Ministers, reply'd, *I know no Evil by these Men; but if they are thought unfit by my Parliament for my Service, I shall not think fit to continue them in it.*

All these things, Sir, therefore are most carefully to be avoided by your Majesty: They will appear with a worse Grace in you, who have declar'd and made War against these Practices, than in your Predecessors. For as St. Paul says, *Thou who hast said, Ye shall not commit Adultery, dost thou commit Adultery? Thou who hast said, Ye shall not steal, dost thou steal?* You must by no means, Sir, give this occasion of Clamour and Recrimination to your Enemies. But be pleas'd to follow this General Rule, always to beware of the Ministers, and to avoid the Schemes and Counsels of King Charles and King James's Government, and then you can scarce err: For whatever is opposite to their Principles and Practices, is the direct Road to your Security and Success.

In the next place, Sir, let Rewards and Punishments be duly and impartially distributed; this is a Rule to which all Ages and Governments have paid the greatest Respect and Observance, and to which the present Monarch of France does chiefly owe the Prosperity of his Affairs: and without this Principle no Government can subsist. Your Ministers who serve you well and faithfully, must be distinguish'd from those who betray you, or serve you carelessly and idly; and not smil'd or frown'd upon, as they are supported or persecuted by this or that Party or Faction. (And by the way, Sir, a Prince in England that rules according to the Laws and Interests of his People, will never have occasion to make his Court to any Party or Faction; nor can any Minister of any Party serve you against the Interest of the Nation.) Let your Soldiers be encourag'd, and prefer'd according to their Bravery and Abilities, without Favour or Affection: The bravest otherwise will follow the Example of Cowards, if they find they have no Advantage over them by their Courage; for all Men would be Cowards if they durst. To an English Soldier a Smile or a kind Word is as acceptable at some times as a Month's Pay; and if you will condescend to a Commendation of what they do well, they will endeavour on the next occasion to exceed what they did before: For if you are once Master of their Love, you are sure to have the Disposal of their Lives. Nor need you fear to punish them severely, provided you reward them bountifully. Let the Insolence of your Enemies be rebuk'd, and Rebels and Traitors to your Government be severely punish'd, and not courted and caress'd; for in the present State of Affairs all Mercy to your Enemies is Cruelty to your self and Friends: and it encourages your Enemies, and disheartens your Loyal Subjects, to see these Insolents brave the Government unpunish'd, and to see your treacherous Ministers soliciting the Pardon of every condemn'd Traitor; and making their Court to King James at the Price of your Safety, is most provoking to every good Man. Besides, it looks like your having a Doubt of your own Right and Title to the Government, to be thus backward in asserting it; and is so interpreted by the Jacobites.

Intelligence is another Point of mighty Consequence, and can scarce be purchas'd too dear: For it is the Soul of Government, and directs all its Actions properly, and without it you consult in the dark, and execute blindfold; you know not what to act, what to fear, where to attack, or where to defend. I do not mean by this that we are to penetrate into the French King's Counsels, or rifle his Cabinet, that I am afraid is out of the reach of our Power, and of our Purse: But I cannot but think we may be able to know the Marches of their Armies, and the Motions of their Fleets, without selling our Souls to the Devil for Intelligence, or breaking our Exchequer.

Thus, Sir, I have set before your Majesty, what, in my poor Judgment, is for your Interest to pursue, and what is for your Service to avoid; what will make your Majesty and this Nation happy, what will make both unhappy: and I heartily pray the

the great, good and wise God, to direct, bless and prosper your Majesty in all your glorious Designs for the Defence of these Kingdoms, and of *Christendom* against the common Enemy. If I have us'd too great a Freedom, or have offended in what I design'd for your Service, I am sorry for it: I call God to witness, my Plainness proceeded from my Zeal and Affection to your Interests, and the Prosperity of your Affairs, and not from any factious, saucy or unmannerly Principle. I wish some abler Pen had taken upon him this Part. But I must own, it provok'd me to see my Country and my King so forsaken; the one of Advocates, the other of honest Counsel: and this urg'd me to take upon me these two Characters, of Advocate and Adviser, both which I confess my self very unfit for: Not, but that as I said in the beginning, I take it to be the Privilege, nay and the Duty too of every *English* Subject (provided it be perform'd with a decent and due Respect) to lay before the King such Matters as may be dangerous to his Person or Government, to be conceal'd from his Knowledg (for we are not ty'd up in *England* to *Spanish* Forms, where the King must be wet to the Skin, if he whose proper Office it is be not in the way to put on his Cloke.) And I beg your Majesty to believe what I have said is from a Faithfulness and Sincerity, which will in all Accidents and Difficulties preserve me unalterably,

Your Majesty's most Loyal, most

Dutiful, and most Obedient Subject.

To the honest English Protestant READER.

Honest Reader,

AT the beginning of the late Revolution, I dare say, it was not expected by thee or me, That it would have been necessary in this Reign, to have enter'd into Arguments, whether the Principles of Whig or Tory are most agreeable to the Constitution of the English Monarchy, or which Party were to be chosen for the Support of our present King and Queen. But such is our Fate, that I am afraid it requires an abler Pen than mine to convince some, who it is highly necessary should be convinc'd, that any of the Measures of the late Reigns were mistaken; they are taught to believe those Monarchs in the Right, nay even those evil Counsellors too, who were so maul'd in the Declaration of 1688. and none are Rogues and Villains, and deserve to be hang'd, but those who were most active in the bringing the present King and Queen over, and in settling the Crown upon their Heads. I thought it therefore high time that this Matter should be set right; and in order to it, that the Principles and Practices of Whig and Tory should be truly and impartially examin'd; which I have endeavour'd to do to the best of my Knowledg, and shall be well pleas'd to see any other do it better from my poor Hint. I acknowledg the Looseness of the Stile, the want of Method in the following Paper, and the many Repetitions this Dialogue-way of writing is liable to, will lay it open to the Lash of every Pedant and Schoolmaster. But know, I write not for Fame, or out of any Vanity of being an Author; and therefore I come not to you, as the Apostle says, in the enticing Words of Man's Wisdom, but in Plainness and Truth, &c. I have stated the Matter so fairly, that some of the Tories may be Fools enough perhaps to think I have given them a Victory (and triumph as their Admirals did in their being Gazetted, because the Council was so favourable, as to suffer them to pass for mistaken Blockheads, instead of wilful knavish Liars). But indeed I thought the Tories had so weak a Plea, that I might well allow them to make the most of it, and have left nothing unsaid which I have ever heard them say in their Defence. What they have done the honest People, and the Interest of England most Mischief by, is that Sham of a Commonwealth, which I have in the following Discourse (I hope) convinc'd all honest Men is a false Notion, impracticable and impossible in England; however this is the Breastwork which they have always cover'd themselves with, when they design'd to fire upon the Rights and Privileges, the Laws, Liberties and Properties of their Country: And whenever they do raise this Breastwork, we must endeavour to beat it about their Ears; I am sure it is too weak to resist any Attack, and I hope (as Bays says) they fly, they fly, they fly, who first did make that Lie. What I have here written, is with an honest Design of doing Service to my Country; and if it either happens

to inform or convince any to embrace the Publick Interest, and the common Good of themselves and Fellow-Creatures, I have my end. And for the Tory Criticks, they may bite till their Teeth meet thro my Book, yet I shall be as insensible of their Malice, as they have been of the King's Mercy, Favour and Friendship to them. I will comfort my self, honest Reader, that I have thee on my side; and so long as thou dost continue firm in the support of the English Laws and Liberties, thou dost build upon a Rock, against which, I hope, the Gates of Hell shall not prevail; and so long I will build upon thee, and hope for all Good from thee, and pray for all Blessings upon thee. Adieu.

A Dialogue between WHIG and TORY, &c.

Tory. **W**ELL met old Acquaintance; who would have thought seven years ago, to have seen you and I at *Whitehall* together in the same Interest?

Whig. In the same Interest; why, who thinks that now?

Tory. What, in one of your old peevish Fits? I thought now all things go to your Mind, you would have been in better Humour.

Whig. You were begotten, born and bred in Mistakes, and I doubt not but you will continue so to your end: Yet you cannot be so grossly mistaken sure as to think all things go to any honest *Englishman's* Mind; when you, who were the Tools of the two last Reigns, the Instruments of all our past and present Misfortunes, and the declar'd Cause of the War which brought on the late Revolution, are notwithstanding the only Men courted by this Government.

Tories the Tools of the two last Reigns.

Tory. I am afraid you will never be pleas'd with any Monarchical Government.

Whig. That is a Point I know you have been long endeavouring to put upon the World, but more industriously upon the Court; yet I wonder at your Impudence of urging it now, since it is so fresh in every man's Memory, how zealously the Whigs struggled in the late Convention to settle the Monarchy, whilst you contested as zealously to make it an Anarchy.

Tory. We will talk more of this by and by: But if you were so instrumental as you say in setting up this Government, why are you so out of Humour with what you have made your selves?

Whig. Disappointment you must allow a just Cause of Resentment. We hop'd from new Lords, new Laws, new Ministers, and new Methods: but if still we are to have the same Ministers, and consequently the same Methods, the very Tools of the two last Reigns, and consequently the same Work; this I take (in my Lord *H—s* Phrase) to be a Change, without an Alteration; and, in my Opinion, gives too just occasion of Dislike: and I cannot but think this way of managing Affairs, must end unhappily, both to Prince and People.

Tory. But how come you and I to be so concern'd either for the Prosperity of Princes, who never think of us, but as we can serve some present Turn of theirs; or for the Interest of Mob, who will sing Ballads upon us under the Gallows, when we are hanging there for their sakes? Prethee *Whig*, grow wise, and do not torment thy self thus with State-Affairs; let Princes take care of themselves, and the People of themselves, and let us take care of ourselves. My Method is, to get what I can, and let Courts do what they will.

Whig. Why then, Sir, with your leave, your Method is as foolish as it is knavish: For whoever sells his Country to a lawless Power, leaves himself nor his Family no Certainty, no Property in what he hath gotten by his Treachery; nay, his Estate is as often the Snare, as the Comfort of his Life. It proves sometimes a *Naboth's* Vineyard, and makes him the Eye-fore of some hungry Court Favourite. And I would ask, Whether a small Estate fenc'd about with Laws, and the Possession thereof secur'd to you and your Family, is not of more Value, than a much greater

The Method of the Tories censur'd.

greater Revenue, of which you cannot assure your self the Possession one minute? Your Forefathers thought the Laws and Liberties of *England* worth their Care and Contest, and waded thro Rivers of Blood to leave them in force to their Posterity. And the Church once made it an Article of their Religion, *Nolumus Leges Angliæ mutari*: But thou dost renounce all the Principles of Humanity, of common Sense, and of Religion, and oughtst to be driven out of a Country which thou makest open Profession to sell and betray. And as for what you say of the Ingratitude of Princes and People, the one to his faithful and affectionate Subjects, the other to their zealous Patriots; this does not discharge you from your Duty to either. But (in answer to the first) if you will serve Princes no farther than you serve your Country in serving them, that Service will always reward it self; and for the Mob, as you are ever pleas'd most mannerly to call your Countrymen and Fellow-Citizens, if any prove so sordid as you alledg, I shall answer you in the words of our Saviour, *Forgive them, for they know not what they do*: And let his Example teach you better Principles, who, notwithstanding all the Scoffs and Indignities he met with, laid down his Life upon the Cross for the Benefit of Mankind. But your Principles make you the Triumph of Heathens, and bring you upon the same foot with brute Beasts.

Tory. Come don't tell us Stories of our great Grandfires, who troubled themselves about Trifles: There is a Fashion in Government (as well as in Clothes) which must be comply'd with, according to the Humour of the present Age; and you may as well pretend to shape all Gowns by Queen *Elizabeth's* Fardingale, as to shape our Court, or Counsels according to the Sentiments of that or other times, which were as different too from one another, as we are different from them.

Laws to be
prefer'd to
Will and
Pleasure.
Whig. As for your Fashion of Government, Mr. Tory, I hope it is either gone to the Grave with King *Charles*, or to *France* with King *James*; and could heartily wish you would follow it to either Places: But pray before you go, let me ask you in what Age or Time it was, that Men of Sense, or Men of Honour, did prefer Will and Pleasure to Laws, or Slavery to Freedom? As I take it, the Principles of Liberty and Property have always been in fashion amongst Men of Sense and Estates in *England*, and ever will be. But your Principles can never find Professors but amongst Fools and Beggars.

Tory. Whatever our Principles are, you find both them and us prefer'd to you and yours, even by a Government of your own chusing; and let that satisfy you as an Answer to that Point.

Whig. Not at all; that only proves a Mistake somewhere; and where the Mistake is, if you please, we will inquire: and I think it will best appear by examining the original Rise, Principles and Practices of both Parties.

Tory. Come on then, a clear Stage, and no favour.

The Rise of
Whig and
Tory.
Whig. As for your original Rise, 'tis certain, you owe your being known in the World, to the horrid and execrable Designs of the two late Kings to set up arbitrary Power and Popery amongst us; then were all the Jails, Brothels, and Kennels rak'd for Villains of fear'd Consciences and desperate Fortunes: your *Arts*, *Clif—ds*, *Of—s*, were then thought upon for Ministers of State; and under them were bred such a pack of Wretches, as the Court of *Tiberius* would have been ashamed of. In the Law they were of the same sort with the Ministry: What Age can parallel your *N—ms*, your *N—ths*, your *Jeff—ys*, *Sc—gs*, *Rain—ds*, *Wri—s*, &c. and their under Managers *Gra—m* and *Burt—n*? &c. Then as to the Pillars of what they then call'd the Church of *England*, tho so disguis'd at that time, that it was scarce known by its most dutiful, most affectionate, and most pious Children; I need say no more of them, than that they were compos'd of Bishops, and a Clergy prefer'd by two Kings, who were about to set up Popery and Tyranny; and therefore were to chuse such Men into the Government of the Church, who they thought would be most complying with those Purposes, and whose Looseness of Morals might bring most Discredit upon the Protestant Religion: and whoever remembers *Park—r*, *Cart—t*, or knows *Cr—w* and *Wat—n*, will (I think) be of the Opinion they were not ill chosen for the abovesaid Purposes.

Tory. But you see whatever Purposes they were chosen for, several of the Bishops oppos'd Popery with the greatest Bravery imaginable.

How the
Clergy op-
pos'd Po-
pery.
Whig. True, they did oppose a Popish Clergy being brought into their Bishopricks, Churches and Colleges; and who but a mad Man would have expected any other from them? But did they ever stick at any thing that might advance arbitra-
ry

ry Power over the Laity? Did they not conjure the People to Passive-Obedience, Non-resistance? &c. Did they not tie us Hand and Foot, and throw us like *Daniel* into the Lions Den? Nay, did they ever stick at building his Popish Church for him, whilst he contented himself to make use of their Hands? But when they saw that after they had gone so far in the Service, others were taken in to finish the Work, and to reap the Fruit of what they had sow'd and planted: This was indeed intolerable, and then it was, and not before, that they begun to make a noise about the *Protestant Religion* and *English Liberties*, and to preach backward all their former Sermons.

Tory. But you cannot deny but that they were very instrumental to the Revolution.

Whig. I own they were for some time, like Fishes who have got a Worm in their Heads, they did frisk and leap out of their own Element; but like them too, they soon plung'd into it again; for King *James* was scarce got to *Feverham*, before they repented what they had done, and from that day to this have given all the Proofs and Marks of an invincible Hatred and Enmity to the present Government: They oppos'd the King's coming to the Crown, fell into Cabals for the weakning his Government when he was King, and rais'd Rebellion without, and Plots within the Kingdom for the restoring King *James*, &c. Nay, at this time it is undeniable, that whenever the Clergy are most numerous, the *Jacobites* are most numerous too; there are more *Jacobites* ten for one in every Cathedral Town, than in any other Towns, accounting number for number: And how the Universities are generally disaffected to this Government, is notorious; they reproach and rail against the very Bishops and Clergymen prefer'd in this Reign. The Archbishop of *Canterbury* himself, whose Learning, Piety, and Excellencies of all kinds, are so eminent, that it seems impolitick in them, as well as unjust to reproach him; yet him too do they rail, scoff at, and treat with the foulest Invectives. In short, those who every day piously attend the Service and religious Worship of the Church, who most frequently are Communicants in the holy Sacrament, these they will notwithstanding call *Presbyterians*, *canting*, *whining Hypocrites*, &c. and esteem none sound Members of their Body, but those who drink with them, and come up to all their highest Points of Dominion, Tyranny and Uncharitableness to all those who are not of their Faction: I will not call it their Church, because I think it a Dishonor to the best Reform'd Church in the World, to be serv'd by such a Clergy as are not only a Scandal to the Name of Protestant, but to the Name of Religion; and who, under the Title of Protestant Priests, are labouring with all their Power the Return of King *James*, with his Popery and Slavery, and preach and pray openly for his Restoration, whilst no Exhortation for Obedience to our present King, our great Deliverer from Popery and Slavery, is heard from any Pulpit, no Passive-Obedience nor Non-resistance is nam'd in this Reign: And if for the sake of their Livings they are forc'd to pray for the King and Queen, it is in so faint and low a Voice, as if they had no mind to be heard either by God or the People.

Tory. Some few discontented Persons there may be perhaps, who may deserve this Character, but I hope you do not lay this Charge upon the whole Clergy of England.

Whig. No, I know there are many religious, learned and good Men amongst them, and there will I hope be more if this Government continues: But that the Number is not small who have refus'd the Oaths to this present Government, you cannot deny; and that most of the high Church, as they call themselves, those who (as a learned Doctor said) have the *Spirit of the Church* in which they were bred, tho they will not say with *St. Paul*, they have the *Spirit of God**: Most of this Order, I say, profess to take the Oath of Allegiance to this King, as he is King *de facto*, not *de jure*. And by the Example of these Reverend Clergy-men, the Lay-Knaves and Fools are directed to take Oaths with mental Reservations, and private Interpretations and Distinctions. And having no Principle but that of Self-Interest, in which case you ever renounce all Justice, all Humanity to your Fellow-Creatures; you profess Slavery to some, that you may lord it over others; yea renounce and trample upon all Laws to serve a Turn, make a Jest of Liberty and Property: And to gratify your Pride or Avarice, you have betray'd your Country, persecuted and murder'd your innocent Countrymen and Fellow-Citizens,

* The first Instance I have met of their Modesty.

sold your Neighbors to the *French* King, and your Laws and Religion to the late Kings; and even from the same Principles have been endeavouring to bring about the same Practices in this Reign too; and in order to it, have been tempting your Lord and Master, in the Language of the Devil to our Saviour, *All this will I give thee, if thou wilt fall down and worship me*: and I hope he will answer you in his words upon that occasion, *Thou shalt not tempt the Lord thy King*. Thus have I given you in few Lines an account of the Rise, Principles and Practices of your Party, with which I could fill a Volume: But I consider the Nation needs only a general Hint to refresh their Memory to Particulars. For the Smart of the Wounds receiv'd in the late Reigns from you, is yet most sensible to many honest *Englishmen*.

Tory. If this Devil of a *Tory* be so black as you paint him, I wonder how he comes by so fair a Character, and so numerous a Party in the Nation, and so great a Countenance from all Courts of contrary Interests.

How Tories come to be so numerous, and in favour.

Whig. Fair Appearances, and great Numbers prove nothing; the leudest Strumpets are often fair, and Fools and Knaves have in all Ages out-numbered the Wise and Honest. How ye *Tories* came to have so great a Countenance from the last Court, I have already shew'd, and will (since you command me) shew you how ye became the Favourites of this Court too, even by the same Means, and the same Man, that made you Favourites in King *Charles's* Time. For the *M. of C.* after all his mischievous Management of Affairs in that Reign, having by an ill Fate to this poor Nation, got into some small pretence of Merit, by little Assistances he gave to the late Revolution; upon this he sets up again for Ministry. But being apprehensive that those honest Gentlemen, who had so bravely expos'd their Lives and Fortunes for the Redemption of their Country, and were so well acquainted with his Methods in the late Reigns, would be jealous of his having too great a Credit with the King, he thought it his best play to begin with them; and from his first coming to Court, labor'd to insinuate Jealousies into the King of those Gentlemen as *Commonwealths-men*, *Haters of Monarchy*, &c. and having likewise an implacable Pique to Parliaments, for their Impeachment and Imprisonment of him, he at the same time represents that part of the Government envious of the King's Power, and always endeavouring to make him a King of Clouts, a Duke of *Venice*, &c. Thus by misrepresenting the King's best Friends, he made way to bring in his old Practices, and his old working Tools (whom he represented to be Men of Business, and Friends to Monarchy) into this Court too; and being assisted afterwards by the *E. of N.* and some others, ye have indeed carry'd all before you: and how much to the Interest of the Nation, and the Honour of the King, let all the World judg, who have seen this poor Kingdom every year for this last four years brought to a reasonable Apprehension of being invaded from Abroad, betray'd at Home; and in a word, to subsist only by a Miracle.

Tory. All this rambling Story you have told is a wild Supposition, and straining the Intention of this noble Lord to your own malicious Purpose, who design'd nothing more in bringing in these Gentlemen you call the King's Enemies, than by reconciling them to the King and his Government, to make the Foundation of it broader and deeper: And I know not how this comes to be such a Crime, and so ill Policy with us. I have heard, that *Henry the Fourth of France*, who was esteem'd a wise and politick Prince, thought it very good King-craft, to caress his Enemies of the League, and to make his Court to the Jesuits.

Henry IV. of France destroy'd by the Leaguers.

Whig. And pray, what did he get by it? Did he ever gain either of them heartily into his Interest? Were not those of the League ever ready to plot with the *Spaniard*, &c. against him? And for his dear Friends of the Church, not all his Renunciation of his old Religion, and his old Friends; not all his Gifts, his Caresses, and his Courtship could reconcile them to him, or so much as save his Life, when they had it in their Power to destroy it. For those jealous Gentlemen, the *Jesuits*, never would believe they had his Heart, till it was sent them in a Box to *La * Fleche* to be buried there.

Tory. But notwithstanding your *Jesuits Tale of a Tub*, I will undertake that all the *Tories* (as you call them) in *England*, both Clergy and Lay-men, shall take the Oaths to the King, and serve him heartily, provided he will do one thing.

Whig. What's that?

* A College of Jesuits in Anjou.

Tory. Utterly discard you *Whigs*, and give us the Penal Laws again upon the Fanatics.

Whig. And would that make the Foundation of the Government broader and deeper, as you talk'd just now? Besides, have you not heard a Story of one *Sampson*, Sir, who after he had resign'd his Lock of Hair in which his Strength lay, was deliver'd up to his Enemies by those he had trusted? But supposing what you propose (if granted) might win you to be *Williamites*, were King *James* dead; yet I am mistaken, if whilst he lives, and the King of *France* continues as powerful as at present, you will ever be drawn by any Courtship, to engage so far in the Interests of this Government, as to swear otherwise to the King than as King *de facto*, nor will you make your Reconciliation to King *James* desperate. Answer to this Point plainly and truly.

Tory. Wise Men will always secure a Retreat; and Self-preservation is a first Principle with all Men. And as a Gentleman said wittily upon this occasion, as long as the Government can maintain it self, and will maintain me, it is sure of me: But I have liv'd too long at Court to die a Martyr for any Monarch, and will always behave my self so in one Court, as to be well with the next. And tho perhaps this is not all that this Government might reasonably wish from us, yet I can tell you they do not believe that they shall mend themselves, by changing us for you, for divers and sundry Reasons.

Whig. Pray let us have some of them.

Tory. First, because you are for a Commonwealth-Government, and Haters of Monarchy.

Whig. That is, that we are mad Men, and void of all common Sense and Reason; for whoever hath either of these, will know a Commonwealth to be a Chimera impracticable, and impossible to be brought about in *England*. If *Macchiavel* be of any Authority, he says, in his 55th Chapter upon Government, *That where there is not an Equality in the Conditions and Estates of a People, it is impossible for that People or Nation to erect and settle a Commonwealth.* He gives you Examples to confirm this, but I think there are some more to our purpose, as being more recent and nearer home. Upon the Revolt of the *Low-Countries* from the *Spanish* Yoke, it was necessary for them to put themselves under some Form of Government; and the Form being in their own free Choice, seven of the seventeen Provinces, who were a trading sort of People, much upon an Equality in their Condition and Fortune, and had few Families of Nobility or Gentry among them, fell naturally into a Commonwealth-Government: But the other ten Provinces, having great numbers of Nobility and Gentry, tho they were more immediately under the Tyranny of the *Spaniard*, and had been more particularly sensible of *D'Alva's* Cruelty and Oppression, notwithstanding chose rather to continue under the hated Government of *Spain*, than to accept of the Invitation the other seven Provinces had made them of coming into the more hated Project of a Commonwealth; so impossible it is to reconcile Men distinguish'd by Titles and Fortunes, to mix themselves in a common Level with the People upon any Consideration or Disgust whatsoever. And whoever will look over what pass'd here in *England* from the Year 1648, to the Year 1660, will be yet more convinc'd of the Truth of this Assertion, and of the Nonsense of any Commonwealth Design in this Nation. Perhaps there was never at any time so many Men of strong Inclinations for a Commonwealth-Government as then, nor of greater Abilities to effect such a Design: And yet they found the Nobility, Gentry and dignified Clergy such a Rub in their way, as no Art, no Force could remove; and at last they were brought into that Confusion and Disorder by attempting it, that the very People and Army who were in this Project of a Commonwealth, and had overthrown the Monarchy in order to it, and could support *Cromwel* in a single Person, yet after his Death saw a necessity of restoring the Monarchy again, and assisted towards it. But this was the Dust which the two last Courts threw into the Peoples Eyes, when they would make them blind to arbitrary Power and Popery; and is now one great Artifice the *Jacobites* depend upon, whereby to separate the Friends of this Government from its Support, tho it will always be a Jest to understanding Men. I have heard a Story of a Lady, who passing thro a Croud to her Coach, and having a rich Jewel on her Breast, cover'd the Jewel with one of her Hands; which a Pickpocket in the Croud observing, steps up to her, and claps his Hand upon a Place below, which he thought would oblige her to remove her Hand from her Breast, to defend it: But the Lady apprehending the Thief's Design, very prudently neglected the false Attack, and apply'd both her Hands to the securing

A Commonwealth impracticable in England.

How the Dutch set up a Commonwealth.

securing her Jewel, and by that means came off safe. And so Gentlemen, whenever you make your false Attack upon our Commonwealth, we shall for the future take it for the Signal to us, that your real Aim is at our Liberties and Properties, and shall apply both our Hands and Hearts to the securing those Jewels of inestimable Price. But to be serious, in our case the *Whigs* (as I said in the beginning of this Discourse) have given sufficient Proof how little they design'd a Commonwealth, and how hearty they were to the Monarchy, in their struggling so zealously to set the Crown on the King's Head.

Tory. We own you were for giving him the Name of a King; but after all, speak sincerely, did you design to make him any more than a King of Clouts, a Duke of Venice, or a Stadtholder?

No Design
to make
the King a
Duke of
Venice.

Whig. We design'd to make him as great a King as the Laws of *England* and our antient Constitution make any King: And if you pretend to make him more, take the Honour of it. But, Sir, upon this occasion your Party were for making his present Majesty less than either a Duke of *Venice*, or Stadtholder of *Holland*: For in proposing to make him a Regent, you make him only a Journey-man King, a Subject to King *James*, and accountable to him. But what the *Whigs* did to deserve being suspected of a Commonwealth Design, or of any Intention to lessen the King's just Power, I am yet ignorant.

Tory. You are wilfully so then; for what could the meaning of the Convention be to settle the Revenue of the Crown from three Years to three Years, and to take away the Revenue of the *Chimney-Mony*, one of the fairest Flowers of the Crown, but lessening the King's Power, and making his Government precarious?

The Chim-
ney-Mony
become a
Grievance.

Whig. The Chimney-Tax being grown a Grievance more sensible and more odious to the common People than any other; and the danger of being enslav'd by giving such great Revenues (for Life) to the two last Kings (by which they were inabl'd to maintain Standing Armies, and to subsist without Parliaments) was so fresh in the Memories of all thinking *Englishmen*, and so apprehended by them, that the King's Friends thought it greatly for his Service to take away the Burden of the one, and the Apprehension of the other from the People; and by using different Methods to those which had been follow'd in the former Reigns, to make his present Majesty's Government more acceptable to all good Men, and that he might hereby reign in the Hearts of his Subjects, and be distinguish'd by them: which Method, if pursu'd, would have given us a fairer prospect of our Affairs, than at present I am afraid we have. But this is not the Interest of wicked Ministers, who when Kings take these Courses, lose their Dominion over them: their Business is therefore to make Princes jealous of Encroachments of Parliaments, of Commonwealth Designs amongst the People, to represent the King's Interest separate from the Interest of his Subjects; and then to ingratiate themselves with him, and raise themselves in his Opinion for their Parts and Abilities, they offer him Schemes of Politicks, to prevent Designs against him which were never thought on. Thus these honest *Jago's* first work a Prince up to Jealousies and Hatred of his People, by false Suggestions; and then, as a Remedy against the Mischiefs they have suppos'd, put him upon Designs ruinous to his Country and himself. But in the mean time, by appearing thus zealous for what they call the King's particular Interest and Glory, they insinuate themselves into some sort of Princes Favour, they become Confidants of all Court-Intrigues, and grow great and rich; they dispose all Offices, and crush all who are not their Creatures, and at last come to awe and govern Kings themselves. As Waiting-Women, who when they have debauch'd their Mistresses by their mercenary Sollicitations, and are become the Trustees of their Frailty, they no longer taste the Busk, nor bitter Reproofs for misplacing a Pin or Patch; but from Servants become Mistresses, no Faults are then found with them, no Liberty denied them; even the Purse, and the rich Petticoat is absolutely at the Waiting-woman's Service, till at last they bring their Mistresses to Infamy and Beggary. And so to return to the Ministry again; by this kind of Management they make their Masters Kings of Clouts, necessitous, miserable and despis'd Princes. For Example; What made the late King *James* a King of Clouts, but those evil Counsellors, who put him upon a Despotick and Dispensing Power, and propagating a Religion against Law; who put him upon preferring Papists and *Irish*, to Protestants and *English*; who advis'd his seizing Colleges and Charters, setting up High-Commission-Courts, and making Parliaments and Laws a Nose of Wax? Deny this if you can, Mr. *Tory*. Nay, as to your Idol-King, *Charles* the Second (who notwithstanding I believe much the

Designs of
evil Mini-
sters.

Evil Coun-
sellors ru-
in'd K. J.

the worse of the two Brothers, as sinning against a better Understanding, and greater Obligations) was it not by these Counsels and some of these Counsellors, that this Gentleman was made a King of Clouts too, from having all the Advantages at the time of his Restoration that ever King was bless'd with? He was belov'd, delighted in, and courted by his Subjects; was respected Abroad, in Plenty and Power at Home, and could direct the Votes of a Parliament with a Nod (more than he could at last with his Exchequer) yet after all this, in a few Years, by the management of some of our present Evil Counsellors, who gave him ill Impressions of his Subjects, made him out of love with Parliaments, and poison'd him with lawless Power, and Love of Tricks (the worst of Poisons to an *English* King) who, for their own filthy Interest, persuaded him to sell *Dunkirk*, break the *Triple League*, and enter into measures with *France*, destructive to the Interest of this Nation, and of all *Europe*: By these Measures, I say, he at last became distasteful to his Subjects, and was forsaken by a Parliament the most attach'd to him, and in love with his Person to a Fault; so that at last his Necessities drove him to become a Pensioner to *France* *. And if you will believe Mr. *Dryden*, his Poet-Laureat, he concluded his Reign in these miserable Circumstances of being [despis'd Abroad, and living on Tricks at Home.] And how these Gentlemen's Father and Grandfather were made Kings of Clouts by the like Measures and the like Ministers, by endeavouring at lawless Power, and laying aside Parliaments, &c. even the Histories of those Times publish'd by their own Authority, make it out plainly. And now, Mr. *Tory*, if you please we will examine a little into the few Examples we have of Princes who have practis'd a contrary method to the before-mention'd one; we will inquire what Effects that sort of Government hath produc'd, and we need go no farther, I think, than Queen *Elizabeth's* Reign, the immediate Predecessor to the *Scotish* Race, to fetch a Comparison that will answer all Objections: And to give the Beauty of her Government its due Lustre, let us set it off with the Difficulties that attended it, and surrounded it in the beginning. Let us consider her in the first place — of the weaker Sex, — a Woman — having no † rightful, tho a lawful Title; — the greatest part of her Subjects of a contrary Religion to her — The Queen of *Scotland*, her next Neighbour, a Pretender to the Crown — *Ireland* in open Rebellion: The King of *Spain*, the greatest Monarch of *Europe* at that time, her mortal Enemy and Invader — Plots and Conspiracies by the Papists against her at Home — And no Ally abroad but the *Dutch*, then an Infant State, and supported by her. — And yet we see this poor, weak Woman in the midst of all these Disadvantages, absolute and uncontroul'd at Home, awful and glorious Abroad. This indeed seems very extraordinary; let us inquire therefore what Methods were then practis'd in order to the producing such wonderful Success: Was it by corrupting Elections, or making Pensioners of Parliament-men? — No, for her Courtiers pleaded (as well in bar of being Parliament-men as of being Sheriffs) that they were the Queen's Servants: So that by this we may reasonably conclude there was nothing to be got by it in those days. — Was it by employing her Sister Queen *Mary's* Ministers, or courting her Enemies the Papists? — No, — For she made *England* too hot for the one, and adorn'd almost every Gibbet in the Nation with her Justice upon the other. — Was it by a Standing Army then? — Not that neither; for she had no Army, nor no Guards, but her Gentlemen-Pensioners, and Yeomen of the Guard. I know you'll say, *How the Devil could she bring Matters about as she did, without using any of the admir'd Methods of our late Times?* — In good sooth, even by so homely and plain a Receipt, that you'll laugh at me when I tell it you — Only — by loving, and courting the Love of her People, and not preferring *Scotish*, *French*, nor *Irish* Favourites to them (as in the late Reigns) — By being just to their Rights and Liberties, and devoted to their Interests — By rewarding bountifully, and punishing severely — By encouraging honest Men, and — browbeating State-Projectors and Tricksters; Knaves who persuade Princes, that their Interest is separate from the Interest of their People; — who counsel them to stretch Prerogative, or be overfond of it; — who endeavour to breed unkind Thoughts in them to their best Friends and honestest Subjects. This sort of Gentlemen were out at Heels in her time. She, like a truly wise Woman, never seem'd fond of Despotick

K. Ch. II.
at his Restoration
the Darling of the People.

How a King of Clouts is made.

The Difficulties Q.E. had to struggle with at first.

How Q.E.'s Reign became so happy.

Her wise Methods of Governing.

* A fine Character for an English King,

† A new Distinction our Statesmen have lately found out.

Dominion, nor of those who flatter'd her with it, and put her upon it; for she knew, that *Nolo Dominare* is the readiest way to Power in *England*, and that it is soonest found of those who seek it not. — She — wisely thought, that to be the Deliverer of *Europe*, was a greater Character than to be Conqueror of it; and that it would be more truly glorious to redeem one single Town from Slavery, than to enslave the whole World. Not like some of her Successors, who (unworthy to be Sovereigns of the Noble Order the Kings of *England* wear) have chosen rather to be the *Dragon* than *St. George*, rather to destroy than to defend their Kingdoms. — She never took Money from her Subjects, but she gave them a Pennyworth for their Penny, and was seldom nice in affording them such Laws as they thought necessary to their Safety. For being well assur'd of her own just Intentions, she never suspected theirs. And thus at last she got an absolute Power even over the Laws, — as a good Wife gets a Power over her Husband, by loving and obeying him. And now I think I have sufficiently exemplified what sort of Ministers and Methods they are which make Princes great and glorious Monarchs, and which make them Kings of Clouts. And whether this latter Character belongs to the *Whig* or *Tory*, I submit to the Judgment of every impartial and reasonable Man. But go on with your Charge.

Tory. It is objected against you *Whigs* also, that you do not love the King's Person.

The Whigs
Lovers of
the King's
Person.

Whig. What an Accusation hast thou blunder'd upon, thou very *Irish Tory*, thou eternal Trifler! Not love the King's Person! — 'Tis a Thought fit only for a Chamber-maid, when the Chaplain or Valet offer their Service to her. Kings are to be lov'd by Millions of their Subjects who never see their Persons (as Heaven is by Mankind) for their Providence and Care of their People, for the Influences they dispense of their Justice and Mercy, and for the universal Good and Benefits which they scatter amongst their Subjects. And in this Point their Thoughts and Designs should be God-like; and by any other sort of Lovers than these, any King will be as slenderly accompanied in his Misfortunes, as King *James* was to *Feverham*. But besides, this Accusation is as false as it is foolish: pray, Sir, Who shew'd the most early Inclination to the Prince of *Orange's* Person, the *Whigs* or the *Tories*? Who went into *Holland* first, and begun the Project of the Prince of *Orange's* coming over hither, *Whigs* or *Tories*? Who put the Crown upon his Head when he did come, *Whigs* or *Tories*? But to come nearer to the Point; Did not the *Whigs* shew a most apparent Partiality to the Prince of *Orange's* Person in all the Points of the Settlement of the Crown, and particularly in giving it him for Life, overlooking at the same time the P. of *D's* Title, and the Lineal Succession? Did they not to a Man stand by the King's Authority in the Debate concerning the P. of *D's* Revenue, and leave the Disposal of that Affair intirely to the King's Pleasure? And now after four Years being us'd like the worst of Enemies for all these Services; after being shut out from speaking to the King, and almost from seeing him; after being discountenanc'd and frown'd upon, they have notwithstanding (like the humorous Lieutenant) ever shew'd a grutching to his Grace upon the least Incouragement or Invitation; and have at the opening of every Sessions, for three Winters successively, still been ready to swallow the same Sweetnings, and to be coaks'd by a Clap on the Cheek, like an old City-Cuckold and Cully, and have been wrought into a Credulity, which nothing but their Fondness and Dotage on the King's Person could have effected.

Their Behaviour
under Discon-
ragements.

Tory. But you will not deny that you have sometimes express'd your selves peevishly concerning the King.

Partiality
shown to
the Tories.

Whig. And what Lover that hangs or drowns himself for his Mistress, does not do the same? Railing in a Lover is an infallible Symptom that he is far gone in the Distemper; and no Woman ever yet resented it when it came from that Cause. But our Court hath not learn'd to distinguish between those who are angry with them, in concern for their Prosperity, and those who seem'd pleas'd with them in hopes that they are in the way to Destruction. And to speak plainly, Sir, the Partiality and Courtship which the King hath shew'd to you *Tories*, in spite of all your apparent Hatred of his Person, as well as your profess'd Dislike of his Title and Government, and the Aversion he hath shew'd to the *Whigs*, and Contempt of all their Advances and Addresses, hath begotten ugly Reasonings in jealous and prying Men, as if there were a Bias towards the Principles of former Governments, rather than to those this Government declar'd for, and set up upon: And even the

wife

wife and well-meaning *Tories* begin once again to smell a T—d, when you hold it so near their Noses. But come, proceed.

Tory. You are likewise accus'd of being wedded to a Party, and by that means will reduce his Majesty to be King of a Faction only of his Subjects.

Whig. This will appear much otherwise, if you will please to remember who brought in the E. of N. to be Secretary of State, and many others of that Party, and how few of your Faction were displac'd by the *Whigs* when they had Interest with the King. But this Charge will appear most foully true upon you, who by the basest Ingratitude and Villany fell upon undermining those who brought you into the Government the minute you were possess'd of the King's Ear. And yet you see, notwithstanding all your barbarous Treatment of us, we have always come in chearfully to all Votes for Mony, all Loans, and all other Measures to support your Credit and the common Interest; till both are fallen so low, that the Peoples Clamors were never so loud, nor their Dissatisfaction never so great. You, like *Solomon's* Harlot, are for tearing the Government asunder, if you may not have the Possession of it. We have shew'd on the other hand true motherly Tendernefs, and consented rather that it should remain in your Possession intirely, than be torn in pieces betwixt us; till it appear'd to all the World what a vile Step-mother you have been, and how you have starv'd and abus'd a Government worthy your most indulgent Tendernefs and Care. And yet I am not for refusing any *Tory* that gives proof of his sincere Repentance, and of a Love to his Country, but with all my heart would give my share of the fatted Calf to make the returning Prodigal welcome: tho I cannot but think it reasonable, that you should submissively seek the Government, and not the Government submissively seek you; that you should own your Sin against Heaven and against your Country, and give Security of another course of Life for the future, and not justify your Faults, and persevere in them. If I could see amongst any of you the least Consideration for the common Good and Benefit of Mankind, and the universal Welfare of your Fellow-Creatures, to which you are bound by the Law of God and the Law of Nature, and to which all the Heathens, who were not barbarous, paid a most profound Reverence and Obedience, and prefer'd to all private Interest, to Wives, Children, Estate, nay to Life it self: If I can find any amongst you a Lover of his Country, a sincere Supporter of the Laws, Liberties and Interest of the *English* Nation, I am as much his Servant, tho he be a *Not* — m, a *Ca* — n, or a *R* — r, as if he were a *Sbr* — y, a *Ru* — ll, a *Som* — rs, or a *Tr* — d. But instead of shewing any regard to the Interest of the Nation, any Bowels for your Country, any Self-denial in point of private Interest; have you not sold your Country and their Birth-rights upon all occasions (like *Esau*) for a Mess of Pottage? Have not some of you put off human Nature, human Reason, and all common Honesty so far, as to conspire to bring in a *French* Power, to gratify your private and personal Piques? To bring in *Popery* and *Slavery* to rule over you, because you cannot tyrannically rule over your Fellow-Subjects? Remember what the *Presbyterians* got by being so active in restoring the two late Popish Kings, hoping to be reveng'd thereby upon the *Independents* and other Dissenters. Were they not mingled in the same Persecution with the others, nay more oppress'd and mark'd out for Wrath, as being more numerous and more considerable than any other Sect? Just so must the *Church* and their Profelites expect to fare from the hands of their Popish Friends (whose Cause they are so zealously propagating) they may admit them to the Honor of being the *Cat's-foot*, but not a bit of the *Chestnut*. No *Whig*, no *Fanatick*, but will then have as fair Quarter (at least) from King *Lewis*, as you; for King *James* I take to be only a Cypher and Property to your *French* Lord and Master, who when he hath finish'd his Work, will finish his Life too. And do you *Jure Divino*, you truly loyal Gentlemen, think that you will find more Favour then for being more attach'd to King *James's* Interest? No, be assur'd, the most inveterate Enemies of King *James* will meet with as favorable a Treatment at least as you, who have profess'd your selves so violently enamour'd of King *James's* Person, and of the right Line. Reflect a little upon the King of *France's* Conduct at the time of the late Revolution: He knew long before the Prince of *Orange's* Design of making a Descent into *England*, and could have prevented it a thousand ways; but instead of that, he writes to *Barrillon*, then his Ambassador in *England*, to know in what condition King *James* was to oppose the Prince's Forces. He being a Foreigner, and judging only by outward Appearances, represents the Army of King *James* sufficiently powerful to resist what Force the Prince of *Orange* could bring: whereupon the *French* King believing

How the
Torys came
into the
Ministry.

The Quali-
fications re-
quir'd of
Tories com-
ing into
Places.

The Prac-
tices of the
Tories ex-
pos'd.

No distinc-
tion of
Treatment
from K.
Lewis.

The French
K. knew of
the P. of
O's Design
before the
Revolution.

Encourages
the Design. that the *English* and *Dutch* would by this means weaken and destroy one another, and leave a fair game for him the next Year against the Emperor and *Flanders*; and to take away all Apprehension from the *Dutch* of their needing an Army for their own Defence, and to give all Encouragement to their Design upon *England*, he draws all his Troops from the side of *Flanders*, and falls upon *Philipsburgh*: which Army if he had march'd towards the *Spanish* Frontiers in *Flanders*, the *Dutch* durst not have transported a Man, and the whole Design of the Descent had been at an end. From hence it is plain what Friendship the *French* King had for his dear Brother King *James*, and what you may expect from this Man of Honor and good Nature, when you have serv'd his turn. Come, grow wise and honest, and let us not divide under this or that Ministry, under this or that Faction or Party; but let us all unite against the common Enemy; let us make the Publick Interest, and the Support of the Government as it is establish'd by Law, our chief and only Aim; and for all Projectors and Conspirators, whether for a *Commonwealth*, a *French* Tyranny, or any other Tyranny, I wish they were all hang'd on the same Tree, the first for Fools, the others for Miscreants and Villains. And thus much, and no more, am I for being wedded to a Party.

Tory. I own you have told us a fair Tale; but nothing is prov'd, nothing appears undeniable, but your Venom and Enmity against the Church and her Friends.

The Whigs
reverence
the Church
of England,
and have an
esteem for
the Clergy. Whig. If you mean the *French* Story needs proving, the Disgrace of *Barillion* when he return'd to *Versailles* upon the account of mistaking and misrepresenting the *English* Affairs, is notorious: But besides, the Story proves it self more than a thousand Witnesses; and for the rest, I have related nothing but what every *English*-man is knowing of. And as for what you charge me with in relation to the Church, I see little reason for it; unless, as *St. Paul* says, you account me your Enemy because I tell you the Truth. For my part I reverence the Church of *England* as much as any Man: But I am not for sacrificing the Laws and Liberties of the Publick, nay the very Nation it self, to a foreign Conquest, for the Sound of a word. I have a due respect for the Priesthood too, and am their *Servant*, but never can submit to be their *Slave*; I honour their Coat, but cannot be content to strip my self of mine in respect to it. A moderate Respect is decent, and our Duty; more I take to be Superstition at least, if not Idolatry: and to worship a wooden Priest appears to me as bad as worshipping a wooden God.

Tory. Now you are running into your usual Violence and Heat; and let me tell you as a Friend, it does you no good neither with the Church nor Court, which latter hath a very low Opinion of those Men who express too much warmth in what they say or do.

Dep. Lieutenants in
Surry abscond. Whig. And therefore their Affairs have succeeded accordingly. Let the Nation be Judg, Whether if Men of warmth had been put in Office by our Ministers, the Taxes would not have been more justly and carefully collected, than they have been by those lukewarm Managers they have employ'd; who, like the unjust Steward, when the King's due was an Hundred, bid their Neighbors write down Fifty? Or, do you think the Deputy Lieutenants of *Surry* would have absconded last Year, when they were order'd to raise the *Militia* upon *K. James's* coming down to *Normandy*, if they had been Men of warmth to the Government? Or that *K. James's* Friends would dare to profess their Opinions, and carry on their Designs so publicly? That they would presume to insult the Government in every Coffee-house; nay, in the *Mall* and *Whitehall* it self? That they would dare to threaten you to your teeth, as they do, with Invasions, Descents and Rebellions; or would venture to correspond with *France*, and go forward and backward every day to King *James*; nay, raise Regiments of Horse and Foot under your noses for a Rebellion, if Men of Warmth and Zeal were in the Government? But it is from hence that all these Insolences take their Rise, that the Enemies of the Government are come from hating it, to despise it; that its Friends are discourag'd to appear for it, and that those Officers and Soldiers who in King *Charles's* time would have broken the Heads of those whom they heard reflect upon the King's Person or Government, will in this Reign hear both treated very odly; not that they want Affection to either, but out of a fear to offend, by shewing themselves Men of warmth and Partymen, those Characters being so abominable to our Court.

Tory. You Whigs have been the occasion of all this too: for you were so irreconcilable to some Ministers of State at the beginning of the Revolution, because they had made a few slips in the last Reigns; or perhaps because they had hang'd some of your

your Friends, a Father, or Brother, or so; that you forc'd them to take in some Persons, whom they themselves thought not very proper for this Government: But if you will run a Man down, he will support himself at any rate; for Men are but Men. And withal I believe they hop'd that a Place would buy any Party out of their Principles, and that all whom they brought into the Government, would be oblig'd by that means to be for the Government.

Whig. This is very far fetch'd, Mr. Tory, tho it is not the first time I have heard it. But as to the first part of this Paragraph, the Matter of Fact is false: The Whigs were willing to forget all past Miscarriages, and be reconcil'd to any Minister that could be honest, as I shew'd you before. But these Gentlemen quickly convinc'd all the World, that they were grown so old and stiff in their former Mischiefs, that they were capable of no other Bend or Impression, but what they had taken in the last Reigns. And it was plain to every Man who had eyes that they were no sooner in the Ministry, but they fell into their old Schemes, which no honest Man could come into; and which I am afraid the Court hath not found the good Effects from, which these *Evil Counsellors* promis'd. It's true, by giving Places to all that were supple and complying, you have brought in the Knaves of all Parties: But since that which brings them into the Service of the Government, is their own Interest, and not that of the Government; it will be reasonable for our Rulers to expect, that the whole Design of such Men will be rather how to serve themselves of the Government, than how to serve it. To conclude, Sir, notwithstanding all you have said in excuse of your Ministers and their Methods, I cannot but remain in my first Opinion, That *the Men of easy Phlegm, born on the Confines of Indifference*, as Sir Samuel Tuke in *F—ch-like Fustian* describes our lukewarm Neutrals, are not fit Men to be employ'd in our Government, as the Case stands at present, but will prove as destructive to it as downright *Jacobites*.

Tories no Friends to the Government.

Tory. All this is taking things for granted which we deny, and accusing Men of what you do not prove; and if it were so, you confess there are Knaves of your Party too.

Whig. The Truth of what I say in relation to your Party, is so notorious to all the World, that it would be as impertinent to go about proving it, as to prove there is a Sun; even you your selves have confess'd, and pretended to repent of your Principles and Practices in King James's time, tho you are now return'd to your Vomit. And as to what you say of our having Knaves amongst us, I must confess it too true; and am as much afflicted as you can be, that any Whig should invade your undoubted and sole Right of being Knaves, and selling and betraying their Fellow-Subjects. But yet we hope we may claim a distinction to be made betwixt our Party, who not only profess, but have maintain'd to the death the Religion, Rights and Liberties of their Country; and yours, who in King Charles's and beginning of King James's Reign gave up all these things; and who, tho you are employ'd in, and sworn to the present Government, make publick Rejoicings at the Slaughter of our Armies and Destruction of our Fleets. If the Whigs have the misfortune of some Knaves professing themselves of their Party; our Saviour himself had a Judas amongst his Twelve, and yet that did not at all discredit the Doctrine and Principles of the Apostles; nor does our having some Knaves among us, make it as reasonable and equal to adhere to your Party, that are the profess'd Enemies of their King and Country, as to depend on those who have generally in all times and on all occasions declar'd their Affection to their Country, Love of its Laws and Religion, and have since the Revolution shew'd their Zeal for the present Establishment.

Knaves to be on both sides, own'd.

Tory. Just now you seem'd to agree to a Comprehension, and were for welcoming the Prodigals, as you call'd them; now you are for excluding them again.

Whig. No, I am for receiving any Tory, as I told you, that seeks the Government, and becomes a true Penitent: but I would not have the Government seek them; nor would I have them entrusted in this critical time without some marks of their Repentance and Regeneracy; and by our easiness give them the opportunity of selling us to the French King or King James, as I fear some of them do at this time.

Tory. All that's Malice and Stuff, and not reasonably to be apprehended: And I tell you once more, it is the Opinion of some wise Men, that the King cannot follow a more fatal Counsel than to confine himself to any one Party of his Subjects.

Whig. Then your Patrons have been advising him fatally these four Years; for they have been persuading the King to throw himself intirely into your hands.

Tory. They never refus'd to receive any Whig, that would comply, and come under their Protection; but if the King will chuse any one Party, I think we of the Church are the most numerous and considerable, and are fittest as such to be employ'd by him.

*Tories no
good Sub-
jects to K.
W.*

Whig. Now you are retir'd into your Sanctuary, *the Church*, you think you are safe, and it is indeed dangerous pursuing you: But however I'll venture it; and since you force me, I must repeat again some of those Arguments I have given you already, why you are not fit to be trusted by this Government. First, you Tories do not believe your selves King *William's* Subjects, and therefore are very unfit to be employ'd by him as his Servants. Secondly, it cools the Affections of the People, to see those employ'd in Places of highest Trust, who they have a Demonstration are not for the Government even when they are in it. And by this method it is plain the King (according to the Fable) loses his *Shoulder of Mutton*, by catching at the *Shadow*; and by aiming at both Parties, he hath neither.

Tory. I confess I am for the King's relying on one Party as much as you are (tho not yours) but however, there are great and wise Men, as I told you, of another Opinion; and I have heard it ask'd, Why this method of uniting all Parties should not have as good an effect here as in *Holland*, for there the Prince of *Orange* reconcil'd all to the common Interest?

*All Parties
in Holland
reconcil'd to
the P. of O.
and how.*

Whig. I'll tell you why: First, it appears all Parties there sincerely intended the good of the Government; which, it is too plain, is not your case. Secondly, Neither Party had any other Head to repair to, as you Tories have. The Prince of *Orange* had no pretending Rival to the Right of Stadtholder; but the King hath here a Rival, a Father-in-Law, who pretends a Right to the Crown, who is supported by the greatest Power that ever was known in *Europe*, so as to make the Event appear doubtful, even to those who are most zealous for this Government. And by this means the Friends of King *James* are encourag'd to be firm to his Interests, and Neutrals; nay, and even his fearful Enemies are frighted from acting with a Zeal against him. Is this a time then to be trying Experiments, to put our selves and Affairs into the hands of Men bred up, and principled against the Design of this Government? Is this a time to reconcile our selves to our Enemies, and to take Men out of Plots, and place them in our Cabinet? No sure, with my Lord *N——*'s leave, *this is not the time*. In this time of danger, those who have been the antient and declar'd Enemies of King *James*, and who have most reason to expect being hang'd if he return, are most fit for the King to rely on. But when these Difficulties are master'd, as much Comprehension as you please. In the mean time your Education in *Toryism*, your Obligations to King *James*, and, which is more than both, your present Hopes from him, will make you so averie to this Government, that no Favour, no Courtship can engage you heartily in its Interests; and it is nonsense to expect you should fight for a Title you have always declar'd to disapprove of.

Tory. You are always harping upon that string: But supposing we do not approve of the making him King, yet we know how to obey Kings when they are made; but you, after you have made a King, are using him like your Creature, clipping his Power, and finding fault with his Conduct. For my part, *if I were a King, I would sooner forgive a man that dislik'd my Title, than one who dislik'd my Conduct*.

*Difference
betwixt
Faults in a
Prince's
Conduct
and his Ti-
tle.*

Whig. Why then, Mr. *Tory*, you would be none of the wisest Princes: For he who finds fault with your Conduct may be your Friend, but he who finds fault with your Title must be your Enemy, or else a Knave, and acts against his Conscience. But how does this Article appear of the *Whigs* being dissatisfied with the King's Conduct in any point, but in his employing you, and the Consequences of it? Is it from giving cheerfully whatever Sums were demanded in Parliament? Is it being ready to advance Money upon the most remote Funds, in offering their Persons to the Publick Service in all times of Danger, notwithstanding all Browbeatings and Discouragements; by breaking all Measures with King *James* and his Party, that they discover their Dislike and Dissatisfaction to the King or his Government? But if they disapprove that the Friends of King *James* should be King *William's* Ministers, that those should be plac'd in all Offices who hate him and betray him, will he have reason to take their dislike of this part of his Conduct so very unkindly from them, as to forgive it less than your renouncing his Right and Title to the Crown? But you Tories have got a trick of bringing Kings into your Quarrels (as the Priests do God Almighty into theirs) and by placing them before you, hope to make

make your selves safe, not caring how much you expose them : and you impudently place your own Crimes unfairly upon others ; and whilst you your selves are daily libelling and lampooning the King's Person and Conduct most maliciously, and triumphing in all his Misfortunes ingratefully (witness the publick Insolences at the Bath and Windsor, upon the late Defeat in Flanders) you, according to your wonted Modesty, charge the Whigs with your own faults ; and avoid being Criminals, by turning Accusers.

Rejoicing at
the King's
Misfor-
tunes.

Tory. I know not what some hot-headed drunken men may have said and done at the Bath or elsewhere ; but this I know, that a whole Party ought not to share the Miscarriages of some few particular Men.

Whig. You are in the right if that were the case ; but it is undeniable, that this Insolence is universal, and even amongst those of you employ'd and paid by the Government.

Tory. This is a fore place I find you are ever complaining of. But why are you angry with us for being in Places ? Did we seek them ? Were we not sought, court-ed, intreated to accept of Employments ? And since you provoke me, I'll tell you the reason : The King found none of you Whigs capable of or fit for business ; he saw you too of a sour, morose Temper, jealous of Prerogative, affecting Popularity, childishly fond of Trifles, and tenacious of lawless Liberty ; whilst we are frank and easy in all these matters, and know the Respect that is due to Crown'd Heads.

Whig. That is, when they are rightful !

Tory. Come, you will make no Prince have the worse Opinion of us for that : The Right Line, Passive Obedience and Non-resistance, Prerogative, &c. will always sound well in every King's ear. And when he considers us Enemies to his Title only out of a Principle of Loyalty, he will have reason rather to accuse his own Misfortune, than our Vertue : we plainly and honestly told him our Principles, that we believ'd him a King *de facto* only ; and our Honour in this point made him rely upon our Honour in others.

Tory Prin-
ciples will
always find
Friends.

Whig. Let us examine then how honorably, how gratefully you have behav'd your selves to a King who hath relied on you, and obliged you so extremely. We will pass by those who refuse to swear Allegiance to him on the fore-mention'd honorable Pretences, and only mention those who have accepted Employments of Profit and Trust. Have not even those in the Government, both in England and Scotland, been plotting the Dethroning this King, who has trusted them so generously, and courted them so kindly ? Particularly, did not one of your Party at the beginning of this Government give notice to the King's Enemies of Warrants against them, in order to their making their escape, and was discharg'd his Employment upon it ? Did not a Brother of a certain Secretary give out blank Passes under the Hand and Seal of that Secretary, by which a Correspondence was carried on betwixt this Place and France securely ? And was not this Gentleman on this account laid aside gently and privately, and this matter huddled up for fear of any Reflection on our Monarchical Favorites, and put on the Publick as Passes forg'd (as indeed they were by our own Officers) and a lame Proclamation put out with Rewards to the Discoverer, but without a Pardon for Life, when they knew the whole matter before-hand ? Have not some Women lately been taken going to France (with Letters to K. J.) with a Scottish Secretary's Pass, under his Hand and Seal ? Was not an Officer of the Post-Office lately found corresponding with France, and without any other Punishment for his Capital Crime, laid aside gently and privately ? The Story of Capt. John Layton, late Commander of the *St. Albans*, and which hath been told in the House of Commons, will shew you how faithfully you Tories serve the Government, and how fit you are to be trusted. Captain Layton being order'd to cruise twenty Leagues off *Ushant*, by a Storm of Wind was driven to Cape Clear, where he met a French Privateer, and took her : The Captain of the Privateer ask'd Layton the name of his Ship, which he told him ; upon this the Privateer looking into his Pocket-book, ask'd Layton how he came there, for by his Intelligence the Station of the *St. Albans* was to be 20 Leagues from *Ushant*, and no further. And the like Story is told of a Transport-Ship going to France with Prisoners some few months ago, who meeting with divers Privateers, ask'd them how they durst be so bold as to cruise there, when four English Men of War were within six Leagues of them ? they reply'd, they knew the Station of those English, and that they could not come where they were a cruising but by breaking their Orders. But the Relation of the Sailor who was taken, and for some time serv'd aboard an Irish Privateer, is yet more remarkable,

Plotting in
both Nati-
ons against
the Govern-
ment.

Instances of
our Counsels
being be-
tray'd.

ble, for he deposeth, That they told him (three months before the *Straits Fleet* fail'd from *Spithead*) both the time when they were to fail, the number of their Convoy, and likewise that the Main Fleet was to go no further than beyond *Ushant*. Now how they could come by this Intelligence, but from Officers imploy'd by and sworn to the Government, I know not; and if so, how faithfully and honourably you *Tories* serve those who trust you, and how fit you are to be imploy'd in this critical Time, I appeal to all the World.

Tory. These are malicious Stories; and if strictly enquir'd into, will prove false I dare say.

Whig. Whenever there is a Committee of indifferent Men order'd to take the Examination, I am inform'd all this will be prov'd, and much more: and how reasonable it is to expect this and any other Treachery from you, will appear probable to those who see you in all Offices daily and publickly drinking King *James's* Health; who see one Clerk going to a non-swearing Doctor, to take Advice, whether he may serve the Government as a writing Clerk without Damnation to his Soul? Yes, replies the Doctor, for thereby you keep out an ill Man, and may serve your rightful King upon occasion. To see another Clerk valuing himself to his Companions, that his Place, thank God, does not oblige him to take the Oaths to the Government. To see Officers of the greatest Trust in the Admiralty in Clubs twice a week with Mr. P——ps, Mr. Ew——rs, and other known *Jacobites*, and from Saturday to Monday constantly living with them night and day.

Tory. I know who you mean, one of them is a Nephew to one of the Gentlemen, and expects 40000 *l.* from him; and would you have him renounce such an Expectance in consideration of your Place?

Whig. No, but I would have the Government renounce such an Officer, that had such an Expectation from such an Uncle.

Tory. But where could you get such able Officers, if these were discharg'd?

How the
Govern-
ment is
weakened by
the *Tories*.

Whig. As the case stands, one honest Man will be of more service than ten such able men: The Forms of Business will be quickly learn'd, and want of Experience will be less fatal to us, than want of Fidelity. Most of the Under-places require a very indifferent Understanding, and little Experience to carry on the Business: And if you ascend to the Ministry, I cannot help thinking my Lord *Sb——y*, or Sir *J. Tr——d* as able Secretaries as the *E. of N.* and Mr. *R——ll* as able an Admiral as Mr. *K.* &c. What is it your able men have done for us, pray, these four Years? Was ever any Government in so promising a Condition, as ours was at the time of the Revolution? Were we not the Hopes of all our Allies, and the Terror of our Enemies? And is not the case alter'd with us? I fear it is. To be plain, a Ministry from *Wapping* could not have made worse work on't than yours have done. Ministers who know not so much as what Money their Affairs will require, but ask the Parliament too little, and manage it so as to make it less: That want Intelligence so much, that matters of the greatest consequence have been publick in every Coffee-house three days before it comes to the Secretary's Office; particularly the loss of our Merchants Fleet, and beating our Army in *Flanders*: As if (as one said) Secretaries, like Cuckolds, were to know their Dishonour and Misfortunes last. Then the Return of our Fleets for want of Provisions, laying out Money in false Expeditions, and wanting it thereby in true Necessities; imperfect Orders, from whence proceeds imperfect Execution; and besides, they prove an excuse to Officers even in the most fatal Miscarriages; with a thousand more Mismanagements and Treacheries from the top to the bottom of the Ministry, too tedious to relate here.

Tory. And do you think the Government would be better serv'd at this time by Novices and Strangers to Business?

Whig. I have answer'd you that before: I think it would be much better serv'd by ignorant Friends, than understanding Enemies; tho I am far (at the same time) from granting you that Point, for I am sure there are more men of Sense and Capacity to be found amongst the Whigs than amongst the Tories; and that Experience is not of such mighty consequence as you would infer, will appear, if you will please to call to mind the men employ'd in Publick Affairs by *Cromwel*. Was ever Government better serv'd than his? and yet he chose Men of the most private Condition, and one would have thought most unqualify'd for Publick Business, Taylors, Draymen, broken Shop-keepers, raw Scholars, and some few of the middling Gentry. But being careful to chuse men principled against the Government of King *Charles*, and zealous for the Interest of the Government then on foot; they did

Cromwel's
Method of
being serv'd.

did wonders, supported their Friends, and were awful to their Enemies; and this with all the Nobility, Gentry and Clergy, both Church of *England* and Presbyterian, in perpetual Combinations and Conspiracies against them at home, and a War in *Ireland*, *Scotland*, *Holland*, and *Spain* too, upon their hands. And you have an Instance of it in this Government, in the Person of one of your Secretaries of *Scotland*, who (tho bred in a very private way) hath shewed himself a most successful Statesman, and of great consequence to the Welfare of the King's Affairs in that Country, and this merely from his incorruptible Honesty, Zeal and Integrity to the present Government, without Experience or great Insight into Business.

Tory. I must grant there is something in what you say, Union and Integrity will do great matters: But you Whigs cannot pretend to this, for you are not two of you in the same mind; you have no Government, no Discipline in your Party, no Firmness to one another, or to any Point: Your great *P. Fo——y* turns Cadet, and carries Arms under the General of the *West-Saxons*; the two *Har--ys*, Father and Son, are Engineers under the late Lieutenant of the Ordnance, and bomb any Bill, which he hath once resolv'd to reduce to Ashes, tho it were for Recognition, or any thing else that is most necessary to our Security: Your *Jack S.* and *Jack G.* whenever they touch Penny, will touch Pot too, and drink all in the Bowl, be it ever so deep. And besides this, you are always laughing, despising or railing at one another; some of you are too wise, some of you too witty, and some of you too honest for the rest; jealous and envious of one anothers Favour and Preferment, every Man thinking himself fittest to be at the Head of Affairs, and hating and reflecting upon those who are so, and despising to be govern'd or directed by them. And at the same time those who are at the top disdaining to look down upon those below them, tho they were the steps by which they did ascend; they grow stately to their Friends, and unmindful of their Fortunes, impatient of Addresses, hard of Access, huddling into little Cabals, where they are wise and witty among themselves: Whilst we Tories on the contrary have but one Heart, one Voice, one Purse and one Interest; excuse and justify one another's Faults, prefer the meanest Fool or Knave of our Party; and in return the Underlings are every man in a perfect Obedience to his Superior, to vote, rail, write or talk according to Direction, and not otherwise.

Whig. I own there is too much Truth in what you say, and you speak Truth so seldom, that we ought to allow it you when you do: But I hope we have seen the Error of our Disunion, and shall amend it for the future. And however we may have had personal Differences, and likewise may have been too much divided, and too obstinate in some Opinions, yet still in all Times, and under all Discouragements, we have all agreed to the same end, viz. the Publick Good of our Country, and the Support of its Laws and Liberties; and in this present Reign have been and are unanimous against King *James* and his Interest, and have at all times with one Consent own'd his present Majesty, Rightful and Lawful, which I take to be the *Shibboleth*, to distinguish those who are alone fit to serve this Government. And till there be an Act of Recognition in force, I will be bold to say, all the other Steps of our ablest and honestest Statesmen will be upon boggy Ground; nor can any Man be reasonably employ'd in any Office who hath not taken this Test: for whoever thinks King *William* not rightful, must think King *James* is so; and the same Conscience which leads them to believe him rightful, will incline them to assist that Right when they have opportunity. But to return to the Point of your Charge, we must confess likewise that we have not been so much under the Government of our Superiors as you are, nor so industrious in supporting each others private and particular Interests. But to the first I might answer, That Fools and Beggars are more easily led by the Nose than Men of Sense and Estates: And as to the latter I must put you in mind, that the Societies of *Ignatius* and of *Newgate* are both of them as much united as you, in universal Mischief; for Roguery makes a stronger Glew and Cement than Vertue, because there are more Men capable of the former than of the latter. And tho it were to be wish'd, that the *Whigs* were more friendly, and had more concern for the Support of one another in all their honest Pretences; yet God forbid there should ever be such a Friendship and Partiality amongst them, as to condemn and disgrace those who gain Victories, because they are not of their Party; and to support and defend those who have lost the Ships, Trade and Honour of the Nation, because they are their Creatures. But on the other side, where it is without offence to Justice and the Publick Interest, all Unanimity and Friendship is to be admir'd, prais'd and pray'd for; and I hope you will find it amongst us for the future, till it becomes the Subject of your Envy, instead of being an occasion of Reproach. To put

The Whigs, tho divided, yet agree in the common Good.

put an end to this Argument: 'Tis plain with all your Friendships, and Union, and other Politicks, you have brought the Nation, and all its Allies, to the lowest Condition both in Power and Reputation. You have almost put it out of the Skill of any Conduct to recover us; and whoever now takes the Administration of Affairs upon them, will be apply'd to the Government, like Pigeons to the Feet of dying Men. But however to those who are true Lovers of their Country, no Time seems too late to attempt its Relief, no Difficulty so great as to discourage them from endeavouring it; and tho' as the Case stands, it is more than probable, we *may* miscarry under the best Conduct, yet it is undeniable we *must* miscarry under yours. And so I take my leave.

Printed in
1693.

*An INQUIRY into the Nature and
Obligation of LEGAL RIGHTS: With respect
to the Popular Pleas of the Late K. James's remain-
ing Right to the Crown.*

IT seems to me a needless Task to prove to Protestants, That it is more for their Spiritual and Temporal Interest, to have a Protestant than a Popish King and Queen; and therefore I cannot apprehend any great danger to their Majesty's Government, from those scandalous Libels which are writ with some Art, and dispers'd with greater Diligence, to raise and foment new Discontents. Those are very sanguine men, who hope to persuade us, That our Liberties and Properties will be more secure, and that the Church of *England* will flourish better under the Government of the late King, if he return, than under the Government of King *William* and Queen *Mary*. We remember how it lately was, and we feel how it is at present; and if we can trust our Memory and our Senses, all the Wit of Man cannot impose on us in so plain a matter: and therefore I shall take it for granted, That the Argument from Interest ties the Subjects of *England* in the fastest Bonds of Duty and Allegiance to their present Majesties.

Protestants
have a
greater Spi-
ritual and
Temporal
Security
under a
Protestant
King, than
under a
Popish one.

No wrong
done to K.
J. but what
he did him-
self.

The matter
stated.

But the Laws of Justice and Righteousness ought to have a greater Authority over Mankind, than all other Temporal Considerations; and at one time or other they will. And therefore while Men are persuaded, That how advantageous soever the late Revolution may prove, it is founded in Injustice, no other Argument but Force will for any long time be able to keep the late King out, or to establish their present Majesties on the Throne. Which shews that other Arguments are lost labour, till the Dispute of Right and Wrong is better clear'd: And tho' there have been many wise things said about it, it has not yet been stated to a general Satisfaction. The Government of the late King gave great reason to his Subjects to be willing to part with him, whenever he would set them at liberty: and therefore if King *James* hath suffer'd no Injustice, but what he has done himself; if he hath deliver'd his Subjects from their Allegiance; and if King *William* and Queen *Mary* are legally invested with the Royal Power, and are the Legal King and Queen of *England*, it will be no hard matter to make all men, who love the Peace and Prosperity, the Religion and Liberties of their Country, to be easy and satisfied, and thankful for such a Change.

And to state this matter plainly, to silence this Pretence of Right and Justice on the late King's side, it will be necessary to inquire, What Right Princes have to their Thrones. This may at first be thought a dangerous Inquiry, but it will appear to have no hurt in it; and the loud Clamours about *Right*, which disquiet so many mens minds, and disturb the Peace and Settlement of these Kingdoms, and daily threaten us with new Convulsions or Revolutions, make it absolutely necessary at

at this time to say some few plain Truths, which carry their own Evidence and Conviction with them, which will do no Wrong to Princes, and will do great Right to Subjects.

The whole Resolution of this Matter depends upon one single Question (if so plain a Case may be call'd a Question) viz. Whether Princes have a natural, or only a legal Right to their Thrones? Q. Whether Princes have a natural or only a legal Right to their Thrones.

I think I might reasonably enough take it for granted, without disputing; That no Prince has any other Right to his Throne, than what the Laws of the Land, or the Laws of Nations give him: For tho some Men have disputed warmly for the Natural and Patriarchal Right of Kings, yet they have so few Followers, and the Hypothesis it self is so new, and built upon such uncertain Conjectures, and so contrary to plain Matter of Fact, and the universal practice of all Nations, that it is not worth any man's contending about. Whoever has a mind to know the Mystery of this, may read the Second Dialogue of the *Bibliotheca Politica*; and try if he can make any thing of it.

For who knows what the Paternal and Patriarchal Authority was? whether it were a Civil and Political, or only an Oeconomical Authority, such as Parents still have over their Children, or not much more? Who knows how this Authority descended, and what difference there was between the Authority of the Supreme Father, and of the immediate Fathers over their own Children? Whether this by natural Right does not make the whole World one Monarchy under the Government of the lineal Heir of the eldest Family? And how came the World then, contrary to natural Right, to be canton'd into so many absolute and independent Monarchies? Does not this damn all Republicks and Commonwealths as Usurpations upon the natural Rights of Monarchy? For if the natural Right of Government be in the natural Heir, all other Forms of Government besides Monarchy, are contrary to Nature, and an Usurpation upon natural Right. Paternal Right is unknown to us.

But be all this as it will; Where is the Monarch this day in the World, that derives his Pedigree and lineal Descent from some antient Patriarch who had this natural Right of Government? Do we not know what the Original of many Monarchies hath been, and what Changes they have suffer'd? How Pirates and Robbers have advanc'd themselves to Royal Dignity, and founded new Kingdoms, and begun a Race of new Kings? And were all these the lineal Heirs of those Kingdoms they subdu'd? And yet how can they have the natural Patriarchal Right of Government without it? For natural Rights can never be separated from those natural Relations which create them. Uncertain.

These are very great Absurdities; and yet I must do these Men this right, that unless you can find a Paternal Patriarchal Right, there can be no natural Right to Civil Government: for there is no other natural Right of Government, but only the natural Authority of Fathers (for we are now speaking of the Right to Government, not of the Nature and Quality of it) and therefore, tho we should grant that Kings succeed to the Paternal Authority, that they have now the same Authority over their Subjects, that Fathers antiently had over their Children, which I doubt, if truly stated, would satisfy but few Kings; yet it does not hence follow, that they have the same natural Right to their Thrones, which Fathers have to their Authority. There may be several different Rights to the same kind of Authority; but he who is not in the Paternal Line, nor by Primogeniture inherits the Father's Right, cannot have a natural Paternal Right. Absurdities of it.

For as for natural Descent in an Hereditary Monarchy, where the next Lineal Heir succeeds to the Crown, whom we commonly stile a *Natural Prince*, and a *Prince born*, who is the natural Heir to the Crown which is his *Birth-right*; it is plain, this is not a natural Right, but the Effect of Laws: For if this were the Right of Nature, then Elective Monarchies were a violation of the Rights of Nature. If it be a natural Right for the next Heir to succeed his Father in the Kingdom, the next Heir of all Kings have the same Right; for the Rights of Nature are equal and universal, and then it is contrary to natural Right for any Subjects to own or elect any King but the natural Heir: There must be in all Kingdoms the same Laws of Succession, which now very much vary; there must be no difference between Hereditary, Patrimonial and Elective Kingdoms; for the next lineal Heir by a natural Right must always be King. It is certain the first King of every Family could have no natural Right without recurring to an invisible Patriarchal Authority: and if he had none, how could he transmit that Right to his Posterity which he had not himself? Hereditary Princes by Law, and not by Nature, prov'd. Right of Nature universal.

himself? But I shall urge this no farther, since the wisest Men, even among the Assertors of King James's Authority, pretend to no more than a Legal Right.

Let us then in the next place consider the nature of those Legal Rights, especially with respect to the Rights of Princes to their Thrones.

Legal Rights consider'd.

The whole Dispute about Legal Rights (and the Rights of Princes to their Thrones are no other than Legal Rights) must be resolv'd into the Laws of the Land; and therefore we must consider the Nature, Extent, and Obligation of National Laws: for pure Legal Right must of necessity be subject to all the Changes, Restrictions, Limitations, Diminutions, that Laws are. And here are so many things to be consider'd, that it is hard to reduce them into method: But it will be most proper to begin with what immediately concerns the late King's Right.

I observe then;

Law is satisfy'd when that is done which it requires. Law of Succession consider'd.

K.J. had his Right.

K.J. has no Right now.

Legal Right is subject to legal Judgment.

Application of it to K.J.'s Case.

The Nation the only legal Judges of this Dispute.

1st. That the Law is satisfy'd, when that is done which the Law requires to be done; and Subjects are no longer bound in Conscience by that Law, when they have answer'd its Demands. Thus the Law of Succession is satisfy'd, when the next Lineal Heir is placed on the Throne; and when Subjects have done this, they can never more be charg'd with denying him his Right of Inheritance when they have actually given it him. This was the Case of King James; tho his Protestant Subjects had too just apprehensions of a Popish Prince, yet they set the Crown upon his Head with all the usual Solemnities, and own'd and recogniz'd him for their King with all the Formalities of Law. So that the Subjects of England never deny'd, nor do they to this day, James the Second's Hereditary Right to the Crown; they own'd and gave him his Right, and he had it, if he would have kept it; and this answer'd the Law of Succession to the full. But if the King will leave his Throne, and make it vacant, the Law of Succession does not oblige Subjects to give him his Throne again, but to fill the vacant Throne with the next Heir. The Case of Edward the Fourth, and Charles the Second, was very different: They were the undoubted Heirs to the Crown by a Lineal Succession, and were unjustly kept from their Right, and therefore Subjects were bound to do them Right by placing them on the Throne. But the Question is not, and never was, Whether King James was the Rightful Heir, but whether he still be the Legal and Rightful King to whom our Allegiance is due? And his being once the Right Heir, does not prove that he is now the Legal and Rightful King, or that he has any Right to be so again. If he hath no Right but only by Law, I never could find or hear of any Law which gives him any Right to resume what he thought fit once to quit and renounce; and consequently the Subjects of England deny him no Right, in denying to restore him to his Abdicated Throne: and then the Dispute of Right and Justice is out of doors as to this Matter, so far as the Right of Succession is concern'd.

2^{dly}. All Legal Rights are subject to some Legal Judgment, or definitive Declaration, and must be determin'd by it; and such a Judgment is the Rule and Resolution of Conscience as to such adjudged Cases. For we have no other Rule in Matters of Law, but a legal Judgment or Sentence; and our Obedience to Government requires us to acquiesce in such a Judgment, as is pronounc'd by a legal and competent Authority: So that to govern and to judg must belong to the same Authority; as far as I am bound to obey any Man, I must follow his Judgment and not my own, especially when this Judgment is pronounc'd by the last Judicature, from whence lies no Appeal. Let us then apply this to our present Case.

The late King withdrew his Person and Authority, and left us without any Provision for, or Face of Government: The Estates of the Realm assemble upon this great Occasion, adjudg this to be an Abdication and Desertion of the Government, and declare the Throne vacant, and fill it with their present Majesties. And the Question now is, Whether this be not such a legal and decisive Judgment as all the Subjects of England ought to acquiesce in? If the Disputes about legal Rights must be decided by Law, not by the Sword (which is not the Decision of Civil Authority, but of Force) the Sentence of competent Judges must end the Dispute: and if the Estates of the Realm be not the proper and legal Judges of such Disputes as concern the Right to the Crown, there can be none; and if they be, Subjects must acquiesce in their Judgment, or it is all one as if there had been none: for if Men may pretend Conscience, and adhere to their own private Opinions, in contradiction to the definitive Sentence of the last and sole Judges, the Dispute must end in Blows, which is contrary to the Reason and Nature of humane Societies, which were instituted to prevent Wars, and to end all Controversies by a legal Judgment without the Sword.

I deny not but there may be great Injustice done by corrupt or ignorant Judges; and the Law has made the best provision it can against this, by allowing Appeals from inferior to superior Courts: But if the highest Authority, from whence lies no Appeal, happens to judge wrong, there is no Remedy but to bear it patiently. We are not bound indeed to think that right, which we know to be wrong; but we are bound to acquiesce in it to all the Intents and Purposes of Law, as much as if we did believe it right. And as hard as this may sometimes prove, there is the same necessity for this, that there is for Laws and Civil Authority: all legal Rights are held by this Tenure, to be subject to a legal Judgment and Determination; and tho some Men may suffer by a wrong Judgment, it is much better to oblige them to acquiesce under it, than by leaving them a Right to dispute it, to endanger the bringing the whole into a state of Anarchy and War. Civil Authority will compel private Men to submit to its Decisions, whether they think them right or wrong; and in all Cases where Men are bound to submit to Authority, they are bound to submit to the publick Judgment. So that whatever Right some Men may think King James has, it is not a Right in Law, because by Law it is determin'd against him: or whatever Right in Law he may still be thought to have, it is not such a Right as can affect the Consciences of Subjects; for the last definitive Sentence is the concluding Judgment of the Law, and the Rule of our Actions, as far as Law is our Rule. Whether this Judgment is thought right or wrong by private Men, the late King has no Remedy by Law, for the Sword is not Law; and tho Subjects are bound by their Oaths of Allegiance to defend their King, his Crown and Dignity, against unjust Force and Violence, they are not bound to restore him against Law: for I desire any Man to tell me by what Law Subjects are bound to oppose Force in any Case against the last and final Determinations of Law; for Force opposed to Law, as far as it reaches, is a Dissolution of Civil Government. It is absurd to think that any Civil Constitution should allow an Appeal to the Sword, against the Judgment and Sentence of the last Authority; and therefore when the Controversy is brought to the last Appeal, this is all the Law can do, and those who will be govern'd by Laws, must acquiesce in it; and those who will go further, must not pretend to Laws and legal Rights.

No Appeal from the highest Authority.

K. J. has no Right in Law.

Subjects not bound to obey against Law.

Nor is this to set up an Authority superior to Kings, which when the King is on the Throne in actual Administration of the Government, is a contradiction to the notion of a Sovereign Authority; but it only makes the Estates the sole Judges of all Disputes concerning the Crown, when there is no Monarch actually in the Throne. Thus they always have been in England, and thus of necessity they must be, if such Matters as these are subject to the Declaration and definitive Sentence of a legal Authority: And this can never prove dangerous to Kings while they keep their Thrones.

Objection removed.

3dly. A legal Investiture and Possession, is a good Right in Law against all other Titles and Claims, till it be condemn'd and revers'd. This is so notoriously known, that it needs not be prov'd; the most unjust Possessor must not be disposs'd by Force under a Civil Government, till the Wrong do some way appear before a proper Court, or the Law has given Judgment against him; much less when a Man has got possession by a legal Sentence, tho upon false Suggestions, and by an erroneous Judgment in the Court. Such a legal Possession gives as great Authority to all his Acts till the Sentence is revers'd, as it would do to the Acts of the most rightful Possessor: Tenants, tho they are satisfy'd he has no Right, must pay their Rent to him, and may do it without any scruple of Conscience, because the Law has given it him, which is their Rule; and are oblig'd, and may be compel'd to do all Duties and Services as to the most rightful Landlord.

Legal Possession is a good Right in Law.

And thus it is in places of Trust and Civil Authority. The legal Return of a Member for Parliament, whatever dispute there may be about the truth of his Election, gives the Person so return'd, a Right to sit in the House of Commons, and his Vote is as good as any Members there, till his Election be pronounced Void. Thus whatever Dispute there may be about a Mayor, an Alderman, a Sheriff, a Chamberlain of any City or Corporation (as we know it lately happen'd in London) he who is invested with the customary Solemnities in the Office, is for the time the legal Mayor or Alderman, and all his Acts are valid and legal till it be adjudg'd against him; and all Citizens, even those who think him not rightly elected, are bound to pay him all that Duty which belongs to his Place and Office. And there is great and necessary reason for this, to prevent the Interruptions of Government, which

Parallel Cases.

are a greater mischief to any Society, than to be govern'd by one who has not a rightful Claim to Government.

The King's
legal Investiture is a
determination of his
Right.

And this Reason holds much stronger as to the Supreme and Regal Power: for if a King who is legally invested with the Royal Authority, who is plac'd upon the Throne by the Estates of the Realm, with all the accustom'd Rites and Ceremonies of Law, must not be own'd and obey'd as the legal King, when there is no other visible Authority, the Government is at an end, as far as such Men can put an end to it; especially when there is no Appeal from that Authority which plac'd him on the Throne, but only to the Sword. Such a legal Investiture by the Supreme Authority of the Nation, is a legal Determination of his Right, that whatever other Claims and Titles there may be, they judg his the best; which must be final to Subjects, who will be govern'd by Laws; and those who will not submit to it, must talk no more of Laws, for the Law is against them, even the Fundamental Law of all Civil Societies, to be determin'd by the last and highest Authority from whence lies no Appeal.

Obedience
due to a le-
gal King.

He then is the legal King who is plac'd on the Throne by a legal Authority, and all legal Obedience and Allegiance is due to him. The Law of *England* knows no other legal King but him: My Lord Chief Justice *Coke*, and other great Lawyers agree, That the Statute of Treason, 25 *Edw.* 3. relates only to a King thus legally possessed of the Throne; and indeed it cannot be thought it should mean any other, since there was no other Notion of a King when that Statute was made, but he who was actually and legally possess'd of the Crown: for the distinction between a King *de jure* and a King *de facto*, was not heard of till *Edw.* 4. tho there had been many Kings before that time who ascended the Throne without the Title of a *lineal Succession*; and it was a great deal too soon to broach such a Distinction then, unless they had a mind to allow private Subjects to judg of Princes Titles against the publick and national Judgment, and against the Authority of national Acts. Whereas legal Titles in all other Cases are not regarded in Law till they are legally declar'd; and with much more reason ought to be so, when the Title is of so high a nature as a Challenge of the Crown.

De jure &
de facto
Kings not
known till
Edw. IV.

Before this time, all Kings who were advanc'd to the Throne with the general Submission of the People, were esteem'd equally legal and rightful Kings, as to all the effects of Law: And we may observe in all our Histories, That no King who was ever crown'd by the People, was ever wholly deserted or deposed for want of Title.

No King de-
pos'd for
want of
Title.

The Disputes of *William* the Second and *Henry* the First, with their elder Brother *Robert*, were accommodated between them by some Great Men. So was the Dispute between King *Stephen* and *Henry* the Second, which was ratify'd by the Parliament at *Winchester*. Nay, so was the Dispute between *Henry* the Sixth and the Duke of *York*, who challeng'd the Crown in Parliament; but how clear soever the Duke's Title was, the Lords would not allow that the King should be divested of his Royal Dignity, but that he should keep it for his Life. And after this Distinction was started, they found it of such mischievous Consequence to the Subject, whenever the Right to the Crown was disputed by the Sword, that in the Reign of *Henry* the Seventh, there was expresse provision made against it by Act of Parliament, declaring the Allegiance of the Subject to be due to the King for the time being, that is, to the King who was possess'd of the Throne by the publick Judgment and Act of the State; and that no Subject should suffer for serving such a King in his Wars, according to their Duty of Allegiance, neither at home or abroad.

Statute of
Hen. 7. on
this occa-
sion.

This gives a plain Answer to the Book intituled, *The Case of Allegiance to a King in Possession*: That Author thinks it a Demonstration against my Lord Chief Justice *Coke*, That the Statute of Treason cannot mean a King in Possession without a legal Title, because it is unreasonable to think that the Law should mean any King, but one who is King by Law. Which is most certainly true; but then it is not merely a legal Title, but a legal Investiture and Recognition, that makes a legal King, or a King in Law, as it makes a legal Magistrate: And then all Kings *de facto*, who are plac'd in the Throne by a legal Authority, and with all legal and accustom'd Ceremonies, are not only legal Kings, but the only Kings that the Law allows to be Kings.

Law al-
lows only of
legal
Kings.

Objections
remov'd.

His other Argument is against the Authority of the Laws, supposing they did allow any such thing; for he says it would be a wicked and unjust Law to establish

a Prince in the Throne who has no Right to it; and to justify Subjects in fighting for such a King, tho it should happen to be against their rightful and lawful Sovereign. Which is a very absurd Argument, if Princes have no natural, but only a legal Right to their Thrones; for all legal Rights must be subject to a legal Judgment, and a legal Possession is a Right in Law against all Force: For the Civil Sword is always on the side of him that is in possession under a legal Determination, whatever his Title be: And certainly there is as much reason the Sword should defend the legal Possessor of the Throne, as the legal Possessor of Lands and Houses. And I would ask this Author, supposing he were Sheriff of a County, whether he would make any scruple of Conscience to defend him who was possess'd of an Estate under a legal Recovery or Process against a violent Intruder, tho he knew or did verily believe him to be the right Heir? Or whether inferior Magistrates, who are to execute the Sentence of Superior Courts, are bound in Conscience to execute no Sentence, but what they themselves believe to be just? If this be admitted, Civil Authority is at an end, and all the Courts in *Westminster-hall* are of little use: And yet if it be lawful, nay, if it be absolutely necessary to Civil Societies, in such Cases as these to defend a legal Possession against a presum'd Right, then the Law may very justly require us to defend a King, as well as Subjects, in his legal Possession, against all other Rights and Claims; and if the Laws are the Measures of Civil Obedience, Subjects may very justly and with a very good Conscience do it. Which justifies what some have asserted, That such legal Rights as these are not concern'd in the Dispute of Allegiance against a legal Possessor of the Throne; for a legal Possession and Investiture is the only legal *Thorow Settlement* of the Government. And this shows how much this Author is mistaken, when with reference to this Controversy he disputes so warmly, that God himself cannot make it lawful for us to oppose Right, no more than he can make Right to be Wrong; which is true with respect to pure natural or moral Rights, but does not hold in mere legal Rights, which are as to any effects of Law esteem'd of no value against a Possession, till they are judicially declar'd: And 'tis not the proper business of any private Subject to judg concerning them.

Legal Possession is a Right in Law against Force.

Legal Possession is the only Settlement of the Government.

But the truth is, this Author looks upon the Rights of Kings not to be mere legal Rights (which are Rights no longer, and in no other manner than the Law allows them to be Rights) but such natural and unchangeable Rights as Parents have to the Government of their Children, nay, as God himself has to the Government of the World. For he thinks Men may as well worship *Gods de facto* (such as the *Pagan* Deities were, when they had got possession of the Temples and Altars) as pay their Allegiance to a King *de facto*, when he is possess'd of the Throne: which is not more profane than weak, unless he thinks that the Law can make a God, as it can make a King; or that Kings are as much by nature Kings, as God is God. This, by the way, is a short but full Confutation of those two large Pamphlets, *The Case of Allegiance to a King in Possession*; and, *The Defence of the Case*. For all that the Author says to any purpose, is resolv'd into one of these two Principles, That the Law owns no King but him who has the legal Title; and, That Kings have a Right to their Crowns superior to Laws, and which obliges Subjects against a legal Judgment, and a legal Possession. If these Principles fail him, all the rest must fall to the ground: And whether these be true or false, I appeal to what has been already said.

Difference betwixt Gods de facto and Kings de facto.

The false Principles of the Jacobites refuted.

4thly. As a necessary Consequence and Justification of this, I observe, That a legal Title to the Crown, and a legal Authority to administer the Government, may be separated: That he who has the Title, may not have the legal Authority, nor be the legal King; and he may be the legal King, and have the legal Authority, who has not an antecedent Title. This is past all Controversy, if what I have already said be true, That a legal Investiture and Possession is a good Right in Law against all other Titles and Claims.

It may possibly appear a Mystery to some Men, how there should be two such contrary legal Rights; a legal Right and Title to the Crown, without a Right to exercise the Authority belonging to the Crown; and a legal Right to wear the Crown, and exercise the Authority belonging to it, without an antecedent legal Right to the Crown it self. But whoever considers that allow'd Distinction between *jus ad rem*, and *jus in re*, with the reason of it, will easily understand this Matter. It is an approv'd Distinction in Law, That one Man may have a Right to a thing, and another a Right in it; the one is a Right of a legal Claim, the other of a legal Possession: And that this may and must be in all Civil Governments and mere legal

Distinction of legal Rights and Titles.

legal Rights, appears from the different Laws and Customs on which such different Rights are founded. This I have hinted at before, but must now explain it more particularly.

How personal Rights are determined.

In all Civil Societies there must be particular Laws to determine Mens personal and particular Rights; and whatever is due to any Man by such Laws, is his legal Right. But yet we know these Laws can determine no Controversy without a living Judge; for if every Man were to judge for himself, every Man will make the Law to be on his side, and then we had as good have no Laws at all. And therefore the Fundamental Law of all Societies, which is superior to all particular Laws, is this, That the last and final Judgment of Authority shall be esteem'd the Law; and that shall be every Man's Right as to all the effects of Law, which is thus adjudg'd him. Whoever calmly considers things, will find that it is impossible it should be otherwise, without overturning all Civil Governments.

Disputes about legal Rights how to be ended.

Suppose then that the true Heir to an Estate should be dispossest'd of it by an erroneous or corrupt Judgment at Law; and another by the same Judgment should by all legal Methods us'd in such Cases, be possess'd of it, tho he be not the true Heir; here now is *jus ad rem*, and *jus in re*: The true Heir by the Laws of Inheritance has the legal Right to the Estate; but by the supreme Law of all Societies, which refers the decision of all personal Rights to a legal Authority, he who by a legal Judgment is possess'd of it, has the legal Right in the Estate against all Claims; and legal Authority must defend him in it; and all who will submit to Laws and legal Authority, must acquiesce in it.

And thus it must be with respect to the Rights of Princes, as well as of Subjects. The Right to the Crown is often disputed, as we all know; and to say that when such Disputes happen, there is no Authority in the Nation to decide them, is to say that Princes have no Rights to their Crowns by the Laws of that Nation: for there can be no civil Laws, of which there are and can be no civil Judges; for no Man, no not a Prince, can be Judge in his own Cause: and if Princes have no legal Rights, they can lose no legal Rights when they lose their Crowns; and I doubt their natural Rights will affect the Consciences of very few Subjects.

The Society the Judge of all disputes about civil Rights.

A supreme Independent Society must, from the nature of such Societies, and the reason of their Institution, have Authority within it self to decide all Controversies which may arise about the Rights of every Part or Member of the Society, and to preserve it self from falling into a State of War, which is a Dissolution of Civil Government: and if there be such an Authority in every Nation, when the supreme Authority has determin'd such Disputes, it must determine Subjects; and no Right, or Pretence of Right, can affect the Conscience after such a final Judgment; unless Civil Rights can oblige Subjects to dissolve Civil Governments, and to dispute legal Rights, not by the Law, but by the Sword; which is to overthrow all Civil Rights, and to put an end to the Authority of Laws.

This shows how much those Men are mistaken, who think there can be no King in an hereditary Monarchy, but the next lineal Heir; and that no Allegiance being due or to be paid to him who is no King, none can therefore be due to any Prince, however possess'd of the Throne, if he be not the next Heir. That no Obedience is due to him who is no King, I readily grant, tho it may in some Cases be paid to him who is no King: but he may be a legal King who is not the next rightful Heir; as almost half of the Kings of England since the Conquest were not, and yet have been always own'd and obey'd as legal Kings.

Difference betwixt natural and political Relations.

But the ground of the Mistake is, that they do not distinguish between natural and legal Relations; but think a King to be a King by as certain and unchangeable a Right, as a Father is a Father: as if Laws were of the same force and power with Nature; as if to be Heir to a King, which in hereditary Monarchies gives a legal Title to Succession, did as necessarily and unavoidably make a King, as natural Generation makes a Father. These Men do not consider, that in natural Relations the Right makes the Relation, and enters its definition; and therefore the Right and the Relation can never be separated: The Right to be a Father is to beget, and the Definition of a Father is he who begets; and therefore no Man can be a natural Father, but he who begets; and every one who begets, is a Father. But now in legal Relations, an antecedent Right does not make the Relation, nor is any part of its definition: The Right to be a King is one thing, and to be a King is another; the Rights may be very different, but the Notion of a King is the same. The Rights may be hereditary, patrimonial, testamentary, by Election, or by Conquest; but the

the Notion of a King is one who administers the Civil Government with a Sovereign Authority ; whoever does so, is a King, whatever his Title may be ; as he that begets is a Father, tho it be by unlawful Embraces. The answer to that Question, *Who is King?* is not, *He who has the Right to the Crown*, but *he who is invested with the Regal and Sovereign Authority*. But if we inquire how he came to ascend the Throne ? whether he be an hereditary or elective King, a King *de facto*, or an Usurper ? These Questions must be answer'd by the Claim or Title by which he holds : That he was the Right Lineal Heir of the last King, or that he was elected by the People ; or that there being some dispute about the Crown, it was adjudg'd to him by the Estates of the Realm ; or that he won it by his Sword, and either keeps it still by Power, or now wears it by the Consent and Submission of the People. An antecedent Right cannot belong to the definition of the King, for then there could be no Kings but hereditary or testamentary Monarchs ; and as for any other Right, he has it who is invested in the Regal Authority by those who are the supreme Power of the Kingdom, and represent the Body of the People, when there is no Monarch, nor Provision for administration of Government. Whoever is invested with the true regal Authority, is a true and right King ; for he to whom the true definition of a King belongs, is a true King. An Usurper who governs by mere Power, and by the forc'd Submission of the People, has the Power, but not the Authority of a King. But he who is settl'd in the Throne by the free Decision and Declaration of the supreme Authority of the Kingdom, has the Authority as well as the Power of a King ; and therefore is a true King, whether any private Subject think he had any antecedent Right or not.

Whoever is invested with regal Authority, is a true and right King.

So that it is a groundless Pretence, that in an hereditary Monarchy he is no King, how solemnly soever invested with the Royal Authority by the Estates of the Realm, who does not ascend the Throne by a lineal Succession : for he is a King, who has the Authority of a King ; and he has the Authority of a King, who is invested with the Regal Authority by the Estates of the Realm : for there is no other human way of conveying the Regal Authority ; and then the Reason and Nature of things is so far from forbidding, that it requires us to pay our Allegiance to him, who is legally invested with the Regal Authority and Power.

But yet this is not the question, Whether in an hereditary Monarchy the next Heir ought to be own'd and recogniz'd for King ? But, whether Subjects may not with a good Conscience obey him as the legal Rightful King, to whom (when the Right to the Crown is disputed) the Estates of the Realm adjudg the Crown ? For all mere legal Rights (when any Controversies happen about them) must be declar'd by the Judgment of a legal and competent Authority ; and Subjects have no legal Cognizance of any legal Rights, but by a legal Sentence and Judgment. Their private Opinions and Judgments, in such cases as do not concern natural but legal Rights, are not the Rule of Conscience (for that would overthrow all Civil Authority) but the publick Judgment ; and therefore he must be own'd and obey'd as King, whom the highest Authority of the Nation places on the Throne, whatever our private Opinion may be about the Right of Succession.

He is the legal and rightful K. to whom the Estates have adjudg'd the Crown.

Whoever will not allow of this, could not in Conscience have paid their Allegiance to almost half the Kings that have been in *England*, since *William* the Conqueror. *W. Rufus* and *H. 1.* were not lineal Heirs, for their elder Brother *Robert* was still living ; King *Stephen* and King *John* were Kings without an hereditary Title ; *Edward* the 3^d was crown'd upon the Deposition and forc'd Resignation of his Father ; the three *Henries*, 4, 5, 6. were of the *Lancaster* Line, which was the younger House, and excluded the rightful Heirs of the House of *York* ; and *H. 7.* had no personal Right of Succession to the Crown, but yet he had the Crown before he marry'd the Heiress of *York*, and took the Administration of the Regal Power to himself, tho the Authority was hers, and kept the Crown after her Death, tho the Right was in his Son ; which were as manifest Violations of the Right of Succession as the three *Henries* had been guilty of. So that there have been eight Kings since the Conquest out of the Line of Succession, and generally known to be so, besides the Conqueror himself, who could pretend no lineal Succession to the Crown ; and these Kings Reigns put together amount to near two hundred years. And what should the Subjects of *England* have done all this while, if the lineal Succession had been so sacred, that they were bound in Conscience to own no King but the lineal Heir ? How should the *Norman* Line ever have begun, who were not the lineal Heirs ? And how came the lineal Succession in the *Norman* Line to be so sacred, which it self began without it, and had no lineal Succession for the first four Reigns ?

8 Ks of E. without an hereditary Title.

But I must not dismiss this Argument without examining a late Author, who disputes

* Duty of Allegiance settl'd on its true grounds. Definition of Civil Authority. Kings are made by human Acts.

putes very vehemently, That Authority must go by rightful Titles: He says a great deal about it, but a short Answer will serve when once the Case is plainly stated: He defines * Civil Authority to be a Right or Liberty in one to order or do a thing in civil Matters, laying an Obligation on others to follow, or submit to him. Tho this be a lame and equivocal definition, yet I shall not dispute with him about it, if he will add the word Legal, that Civil Authority is a Legal Right or Liberty, &c. I agree with him that Authority is very different from external Force; and I have reason to grant to him (for he ruins his own Cause by it) that God makes no Kings, but those who are made Kings by some humane Acts, and have a humane and legal Right to Kingship. But now how does he prove from hence, that in England (suppose) none can have a legal Right to govern, but those who have this rightful Title of a lineal Succession? For if the Title is not the Authority, but a legal Investiture gives a legal Authority, it is possible that a legal Title, and a legal Authority, may be separated, and the Authority continue legal still. Legal Authority must be convey'd in such manner, and by such forms as the Law has prescrib'd, or appoints to that purpose, for there is no other way of conveying it; and then that Authority which is given in form of Law, and that only, is a legal Authority: If then the Estates of the Realm, who are the only Judges of such Disputes, adjudg and give the Crown to one, whom we suppose not to have an antecedent legal Title to it, yet he becomes legally possess'd not only of the external Force and Power, but of the legal Authority of Government. And therefore he may challenge as his due, all legal Obedience (which must be the true Notion of Allegiance, for nothing more than legal Obedience can be due to a mere legal Authority) because he is invested with the legal Authority: the Regal State is his legal Property against all other Claims, and his Subjects must defend him in it; as the legal Properties of private Persons are determin'd by Judgments of inferior Courts of Law. And if God makes Kings by humane Acts, I hope it is no Injustice in God to make him a King, whom the Law makes a King, and to enjoin our Obedience to a legal King: and therefore whatever he can make of the Fifth Commandment, the legal King is our Politick Father; and therefore entitul'd to that Honour which is there commanded, if that concerns Princes, which I need not now dispute. Legal Authority may be said to be annex'd to the legal Title, while there is no legal Judgment against it, which was the Case of Queen Mary, and C. 1. and 2. But when one is solemnly declar'd King, and plac'd in the Throne by the Estates of the Realm, he is the legal King and has the legal Authority, as the Royal Estate and Dignity was own'd to be in H. 6. when the Duke of York disputed the Right to the Crown. And thus it must be in all legal Rights, as I have already prov'd: and this strikes at the Foundation of all this Author's Arguments; and therefore I need follow him no farther.

Legal Obedience due to legal Authority.

Legal King our political Father.

Another difference between legal and natural Rights.

Legal Rights may be parted with, but not natural

5thly. There is another difference between legal and natural Rights: not only that legal Titles, and legal Authority, may be parted from each other; but that legal Titles and legal Authority may be rightfully separated from the Persons, to whom they were once due, which natural Rights can never be. A King may cease to be a King, tho a Father can never cease to be a Father; for Laws have not the same Force and Power that Nature has. All Men confess this may be done by a voluntary Resignation, which divests such a Prince of all Rights and Authority to govern; and if it may be done any way, his Right and Authority is not inseparable from his Person. Our Adversaries indeed will not allow that a King can lose his Right, unless he voluntarily part with it himself; and therefore that no man can be King, while a former King is living; and that God himself cannot advance a King to the Throne, while any one is living who ever had a Right to that Throne, and never resign'd his Right; because it is contrary to Justice to give away the Throne from a Prince, who has the Right to it: as if God had not an original Right to all the Kingdoms of the World, but was confin'd to human Rights and Claims in making or unmaking Kings. But if a King can part with his Kingship, it is possible he may lose it too; for there are usually more ways than one, of parting with that which may be parted with: And besides what is granted, viz. a Voluntary Resignation, I shall consider two other, Conquest and Abdication.

Title of Conquest consider'd.

1. Conquest: Which I do not mention as if I thought this to be our Case, that we are a conquer'd People, and that King William ascends the Throne by Conquest. For whatever may be said of the Conquest of King James (who was either forc'd out of his Kingdoms, or left them voluntarily; if the first, he was conquer'd; if the second, he abdicated in the most proper Sense, and I know no medium between them) yet the People of England are not conquer'd, nor did the King ever pretend any such Right to the Throne. But let this

this be as it will, all I intend at present, is to convince these Men, that the Crown may be lost by Conquest, which may extinguish old Rights, and begin a new one, and deliver Subjects from their Allegiance to a conquer'd Prince.

That *de facto* Kings do lose their Crowns by Conquest, that many great Revolutions of States and Kingdoms are owing to this Cause, and that no Nation ever made a scruple of Conscience about submitting to a Conqueror, is plain beyond denial. But the Question is, *quo jure*? How a Conqueror can gain a Right to a Throne, which another Prince has no legal Right to? And how Subjects, tho conquer'd, can transfer their Allegiance from the rightful Prince to the Conqueror, who has no other Right but the Sword? And I shall distinctly consider this with respect to Princes, and with respect to Subjects.

Kings lose their Crowns by Conquest de facto.

Now the general Answer to both is this, That legal Rights can reach no farther than the Laws of the Land, nor oblige any Persons whom they do not oblige, nor oblige any longer than the Laws oblige: These are self-evident Propositions, and need no proof; for Rights which are founded only on Laws, can reach no farther, nor last any longer than the Laws do.

1. In the first place then, with reference to Princes, no legal Right that any Prince has to his Throne, can debar another foreign Independent Prince in case of a just Quarrel, to subdue and conquer, and take his Crown. The reason is, because the Laws of the Land, which give a Prince his Crown, do not oblige foreign Princes, but only Subjects. The Laws of particular Countries are Laws only to themselves; but there is no Law between Sovereign Princes, but the Laws of natural Justice, and the Law of Nations. The Rights of Princes, with respect to each other, are only Possession, which is the only Right Men can have to any thing in a state of Nature, before the forming of Civil Societies, and with them legal Properties. And for the same reasons that any Man in a state of Nature might justly be turn'd out of his Possession, a Prince may still with equal Justice be turn'd out of his Kingdom by another Prince: and a Prince who conquers in a just War, may seize the Throne of the conquer'd Prince; and if he be plac'd there by the Consent and Submission of the People, he is no Usurper upon either Prince or People, but a rightful Prince, who begins a new legal Title. How indefeasible soever a Prince's Right be by the Laws of the Land, that is no Rule to foreign Princes, so they do not violate the Laws of Nations, nor the natural Rules of Justice in seizing his Throne; and whenever the Crown may be justly taken, it is justly lost, and there needs neither the Death, nor the Resignation of the legal King, to give a just Title to the Conqueror. Possibly there have seldom been any such just Wars, or just Conquests; but it is enough to my purpose, if such there may be: and I think no Man doubts, but that there may be just Causes of War; and a just War will make the Conquest just.

Legal Right is limited to the Countries that make the Laws.

How Conquest gives a legal Title.

If any Prince or State be injurious to their Neighbours, the injur'd Prince may demand Satisfaction; and if it be deny'd, may take it himself, as every private Man may do in a state of Nature, when there is no Superior to judg between them: which brings such a Dispute to the Decision of the Sword, which is the only Redress of Injuries, when there is no Civil Authority to judg between them. And yet it were to no purpose to fight, if it were unlawful to conquer, and not only to do himself Right, but prevent future Wrongs from the injurious Prince.

For a Prince to invade the Dominions of another Prince, or to assist such an aspiring Monarch to enslave his Neighbours, is a just Cause for the injur'd Princes and their Confederates to oppose Force to Force; to fight and conquer if they can, and take the Crowns of such injurious Princes.

Nay, it has been always accounted not barely a just Cause of War, but an Heroical Act to subdue Tyrants, and rescue their oppress'd Subjects, who either cannot or must not defend themselves. To vindicate the Injur'd and Oppress'd, is what all Mankind not only allow, but applaud; private Men may do this against private Oppressors, by a course of Law where they are under Laws, or by private Force where they are not. Princes who have the Power of the Sword, may repress Violence and Injustice wherever they see it; for tho they have no superior Authority over each others Persons, nor Jurisdiction in each others Kingdoms, yet being under no Authority neither, nor any Laws which forbid their redressing Injuries, and relieving the Oppress'd, it is so far from being a fault, that it is great and generous to do it. Every Man in a state of Nature, where there are no Civil Laws nor Government, has Authority enough to right those who suffer against natural Right. But this Liberty is restrain'd for the advantage of human Societies, and the

Subduing of Tyrants accounted an heroicall Act.

Lawful to
assist op-
press'd Sub-
jects.

administration of Justice is put into the Hands of the Prince and his Ministers. But Princes themselves are under none of these Restraints, and therefore may not only administer Justice to their own Subjects, but may repress the Violences and Injuries of other Princes, not only against their Neighbour Princes, but against those who are subject to them, and cannot help themselves. They have certainly as much Authority to relieve oppress'd Subjects, as an oppress'd Prince; and no man thinks it ill for one Prince to assist another against a powerful Oppressor: And I do not know it was ever thought a fault yet, to relieve Subjects against an oppressing Prince, where the Oppression was notorious, and not made a mere pretence for Usurpation. I would desire any man to give me a tolerable Reason, why it was not as lawful for the Prince of *Orange* (had there been no other reason for it) to rescue and defend the Subjects of *England*, against the illegal Power and Oppressions of their King, as it is for the *French* King (some Mens Pattern of Honour and Bravery) to endeavour by force of Arms to restore the late King *James* to his Throne again?

Query put
to the Ja-
cobites.

Religion is
to be defen-
ded.

Instances
thereof.

Allegiance
due to the
Deliverer.

How Alle-
giance is to
be trans-
fer'd.

Allegiance
follows the
Crown.

National
Laws de-
pend on na-
tional Au-
thority.

And if Religion be concern'd in the Quarrel, it is never the worse for that, but the more reasonable and just: For why should not Princes be concern'd for the Glory of God, from whom they receive their Authority, and vindicate his Worshipers from the Persecutions of cruel Tyrants? Subjects indeed must not rebel, Christianity must not be forc'd upon Men by Fire and Sword; but must it not be defended neither by Christian Princes? When God has put the Sword into their Hands, must they stand by and see the Worshipers of Christ persecuted, and not help them when they can? I am sure God deliver'd the Christian Church from the most bloody Persecution that ever was, by the Arms of *Constantine*, and made the Cross his Banner. And this was none of the least Causes of his War with *Licinius*, that he persecuted the Christians. When *Constantius* the *Arian* Emperor persecuted *Athanasius*, and the Orthodox Bishops and Christians, *Constantine* advis'd him of it, and threatned War against him if he persisted in it: and it does not appear, that the Christians of those days, who fled to *Constantine* for Refuge, thought he would have done ill in it; and yet their Dominions and Authority were as distinct and absolute, as *France* and the *Grand Seignior*, tho the most Christian King follows other measures.

Now I know not how to think that Men are serious, when they will not allow an oppress'd People, deliver'd by such a generous and charitable Prince, to own their Deliverer, and pay Duty and Allegiance to him? I think Slaves have so much liberty as to own the Conqueror; and if he deliver them, and set them at liberty, and make Subjects of them instead of Slaves, to be his Liege Men for ever. But some Mens Notions make them greater Slaves to Princes than ever the World knew before.

2dly. But this brings me to a more difficult Inquiry, viz. How Subjects, even in case of Conquest, can be deliver'd from their rightful Prince while he lives, and be at liberty with a safe Conscience to transfer their Allegiance to the Conqueror? For tho foreign Princes are not oblig'd by the Laws of the Land, yet Subjects are, and therefore are still bound to pay their Allegiance to that Prince, whom the Laws of the Land make their Prince.

How difficult soever it may be to assign the Reasons of this, it is certain it must be so, if a Prince may lose his Crown by a just Conquest; for if a Prince justly lose his Crown, he must lose the Allegiance of his Subjects, which must follow the Crown. And it is impossible one Prince should lose his Crown, and another win it, were it unlawful for Subjects to transfer their Allegiance to the Conqueror; which is reason enough to conclude, That the Laws of the Land do not oblige Subjects in such Cases: and if we carefully consider the true Nature and Obligation of National Laws, we shall be easily satisfied that they do not.

For it is certain, National Laws have their whole dependance on the National Authority; it is That only makes them Laws, and they can continue Laws no longer than that Authority lasts which gives Being and Obligation to them: and therefore National Laws must of necessity partake in all the Changes and Alterations of Government. Our Obedience is not due to Laws, but by virtue of the Authority that commands them; and when the Authority is at an end, the Obligation of Laws must cease, as far as they respected that Authority. Laws are made for a settled Government, and they oblige Subjects while the Government is and can be administer'd by these Laws; but when the Authority and Government is chang'd, and they cease to be Laws in *Westminster-Hall*, they are no Laws in Conscience neither: For how can Laws oblige without Authority? Or what Authority

ty can mere human National Laws have against all the present Authority and Government of a Nation? As for example, the legal Right to the Crown concerns a regular and legal Succession, but not the beginnings of a regal Power. The Law of Inheritance continues the regal Power in the Family possess'd of it, whose Inheritance originally it was not; for the first King of the Family could not be Heir to the Crown, by whatsoever other means he came by it: and therefore it can oblige Subjects only against their own voluntary Interruption of the Royal Line, but not against violent Revolutions; for this is to make a Law, that no Prince shall conquer a legal King, and possess himself of his Throne; that is, to make a Law, that the Sea should never break its Banks: and in case of such a Revolution, to make a Law, that no Subjects should own or submit to the prevailing Prince, is like making a Law, that no Cottages or Villages should be drown'd or carry'd away, when such a Deluge happens. Laws were never made for such Cases as these, and therefore in such Cases cannot be said so properly to lose their Obligation, as not to be Laws. We may as reasonably say, that the Subjects of *England* are bound to observe the Laws of *England* when they are in *France*, as that they are bound in conscience to observe the old *English* Laws, if the *French* King should by Force ascend the *English* Throne. No Laws can be made against violent Revolutions, because such Revolutions over-power Laws; and it is as absurd to suppose that any Laws should oblige the Conscience to oppose the ruling and governing Power, when settled by a legal Investiture: Which is to suppose, that Laws which are only Rules of Government, and owe their Being to a National Authority, should oppose all the Authority of the Nation.

Thus I observe further, that mere human Laws cannot oblige the Conscience against Force; for when Authority cannot protect, it cannot command. Civil Societies are instituted for mutual Defence; but when I am out of the Protection of Civil Authority, my natural Liberty of Self-defence returns. If a Man fall among Thieves, he may make the best Terms with them for his Life that he can, and no Laws can deny him this Liberty; for Self-preservation is a natural Right, and Nature is superior to human Laws, and of greater force. It does not hence follow, that the mere Oppression of Government restores this natural Liberty, because we have granted away this Right of Self-defence, by entering into Societies; and God has taken it away, by forbidding us to resist Authority: and it is a very different thing to defend our selves when Authority cannot defend us, and to defend our selves against Authority; the first we have not granted away, the second is against the fundamental Reasons of human Government. And the nature of Societies supposeth, that while the Constitution of the Government is secur'd, we must sacrifice our private Rights and Interests to publick Peace and Order; but it was never the Intention of human Government to deny Men the Right of Self-defence, when Authority could not protect them: This is the Case of Slaves and Captives, of besieg'd Cities and Garisons, who have a natural Right to submit to the Conqueror, when their own Prince cannot relieve them. And this wholly waves the Dispute about Authority; for whatever Authority may be suppos'd to remain in the Prince, his Authority is at an end, as to those Persons whom he cannot protect; as Civil Societies themselves must dissolve, and all their Authority end, when they cannot defend themselves. And when any Subjects are deliver'd from the Authority of the Prince, who cannot protect them in paying their Allegiance to him, they are at liberty to make the best Composition they can with that Prince in whose Power they are, and to become his Subjects: and when they have bound themselves to him by Oath, their former Allegiance is utterly extinct; when we are at liberty from one Prince, we may make our selves Subjects to another; and when we have done so, we can owe Allegiance to none but him.

To confirm all this, I observe farther, that the Laws of particular Countries are subordinate to the Laws of Nations, and must give place to them. By the Laws of Nations, I mean such Laws as from the reason and nature of things, and by common Practice and implicate Consent, are made the Rules and Measures of Justice between Sovereign Princes and Independent States. Now, as I have already shown, by the Laws of Nations, Princes by a just Conquest may acquire a just Title to the conquer'd Prince's Throne; and if Princes may acquire such a new Right and Title, it is certain Subjects by the Law of Nations may own such a new acquir'd Right. For the universal Reason of Mankind must over-rule private and national Constitutions: for every Man is a Member of the Universe, and a Citizen of the World, as well as a Subject of a particular Kingdom; and the more univer-

sal Obligation always takes place of particular Obligations; for they are prior Obligations, and suppos'd in that which is particular, which therefore cannot derogate from them. And it would be very strange, if a Prince by the Law of Nations may acquire a new Right, and yet it should be unlawful for Subjects to own his Right.

Nay, the universal Consent and Practice of all Nations, both of Princes and People, have made this the standing Law of all Revolutions, to submit to the prevailing Power, even when there is no pretence of Right, but only Force. No People ever scrupl'd this (till of late) upon Principles of Conscience, tho the Laws and Liberties of a Nation have made some struggle to the last, to shake off the Yoke of an Usurper.

The Primitive Christians complied with all Revolutions of the Empire.

Instances thereof.

The Primitive Christians comply'd with all the Revolutions of the Empire, and never disputed the Rights and Titles of their new Emperors; and those who can find out legal Rights for all their Emperors, are well qualify'd, if they so please, to be Advocates-general for all the Usurpers that ever were in the World: But the Christians of those days never concern'd themselves either with making or unmaking Emperors, but took them as they found them, and believ'd them all to be set up by God, as is evident from *Tertullian's* Apology. The Christian Bishops of those days submitted even to *Maximus* himself; and tho *Sulpicius Severus* tells us, they were censur'd for their forward and flattering Courtship to that Tyrant; yet no Man blam'd them for their bare Submission and Obedience to him as Emperor, which St. *Martin* himself did, tho he treated them at first with a Monkish Liberty and Rudeness. The Irruptions of *Goths* and *Vandals* furnish us with as many Examples of this, as they obtain'd Conquests; for there were no Christians found so hardy in those days, as to dispute their Titles, and reserve their Allegiance for their Emperor: And to this day it is as constantly practis'd without any scruple, as there are Cities and Garisons besieg'd, surrendred, or taken, and that before any Composition made by the Prince, whose Subjects they were, as a late * Author insinuates, contrary to the known and visible daily Practice of all People.

* The Duty of Alleg.

This is what all Princes expect from the Subjects of other Princes when they fall into their Power by the Successes of War, and therefore what in reason they must allow their own; and such a general Consent of Princes and People makes a standing Law for Revolutions: And no Man's Loyalty or Fidelity to Princes ought to suffer, even in Opinion, upon this account.

The Absurdity of the Jacobite Principles in the Case.

Nay further, the Laws of our Country, which are the Rules and Measures of Civil Government, can never oblige Subjects to the Overthrow of all Government. Yet should these *Jacobite* Principles take place, that we must upon no pretence own any King but the rightful lineal Heir while he is living, many Cases may so happen, wherein Subjects must be bound in Conscience to own no Government; thus it must necessarily be, whenever the rightful King can't govern, and yet no body else must; when he is conquer'd and driven out of his Kingdoms, and Subjects must not own the Conqueror, tho they can have no other Prince to govern them. I would only desire these Men to tell me, Whether any Laws can oblige Men to live under no Government? to dissolve Civil Societies into a state of Anarchy? If there were such a Law made, it would be a void, nay an impious Law, as being against the Laws of Nature, and the Laws of God, who has created Man a sociable Creature, and instituted Civil Societies for the Government of Mankind. And is it not as unreasonable then to expound any Laws to such a sense as shall oblige Subjects to dissolve the Government of the Nation, as far as in them lies, and not to own any Authority but Force? Whenever they can prove that there ought to be no Government in a Nation, while the rightful Prince cannot govern, I will grant, that Subjects ought to own no other Authority: but if no Laws, no legal Rights, can be more sacred than the very Being of human Societies and civil Government, the Rights of Princes must give place to the necessities of Government; for it is more absolutely necessary, that human Societies should be maintain'd and govern'd, than that any Prince, how uncontested soever his Right be, should govern; for I think legal Rights, which owe their very Beings to human Societies, were never intended to put an end to them.

Rights of Princes must give place to the necessities of Government.

Transferring of Allegiance justify'd.

This I hope is enough to clear this Point, That a King may lose his legal Right to the Crown by Conquest, which gives the Conqueror in a just War a new Right, and sets Subjects at liberty to transfer their Allegiance to the Conqueror: And I shall observe by the way, that tho we are not a conquer'd People, yet most of those Reasons which will justify Subjects in transferring their Allegiance to a Conqueror, will

will much more justify our Submission and Allegiance to their present Majesties, whatever Opinion we have about their Right.

For it is certain the Authority of the Nation is now in their Hands, and plac'd there by a legal Judgment: and if national Laws, which are the Laws of the Government, cannot oblige the Conscience without a national Authority, to give an Obligation to them, much less against a national Authority; then there can be no Law in *England* which at this time obliges the Consciences of *English* Subjects to pay their Allegiance to the late King *James*. There is no such Law to be found in *Westminster-Hall*, or Parliamentary Judgments or Determinations, and then I know not where to find it. There is no King in *Westminster-Hall*, or on the Parliament Rolls but King *William* and Queen *Mary*; no Treason but what is committed against them, and therefore no Allegiance due by Law, but only to them: For Treason is a violation of our Allegiance, and where no Treason can be committed no Allegiance can be due.

Allegiance by Law due only to their Majesties.

Tho the Nation is not conquer'd, yet it is certain, that private Subjects are under as great Restraint by the legal Change of the Government, as if they were in the Power of a Conqueror; for to resist would be equally fatal to them in both Cases, and there is no Authority that can defend them. And if human Laws cannot oblige the Conscience against Force; if every Man has a natural Right to preserve himself by yielding and submitting to Power, when there is no Authority to defend him against it; why may he not as well submit to the irresistible Power of a national Authority (how unjust soever he thinks it is) as to the military Power of the Sword? Why may not Men as well submit when they are conquer'd in the highest Judicature, as in the Field? It seems to me, that there is little difference between them, when Men must forfeit their Lives, Estates, or Honours either way: And when the Authority of the late King (whatever they suppose it to be) can no more defend them from the Laws than from the Sword, what shall hinder his Authority's being at an end to them, and their being at liberty to take care of themselves?

The Subjects of *England* have a legal Right to their Lives, and Liberties and Properties, as well as the King; and I know no Law that commands Subjects to forfeit their Lives, and Liberties, and Properties, merely because they cannot defend the King in his, nor the King them in theirs. In Cases of such Extremity Kings will take care of themselves, and Subjects have as much Right to take care of themselves. If any Necessity will justify Kings in leaving their Thrones and the Government, and the Defence of their Subjects, the same Necessity will justify Subjects in submitting to a new Power. No mere human Laws, nor human Authority can oblige in Cases of extreme Necessity: The Authority of God indeed can, because God can reward and punish beyond the Grave. But tho the Laws of Men are bound on us by the Authority of God, yet God requires us to obey Men and their Laws no farther than their Authority reaches; and therefore not in Cases of extreme Necessity, which in most Instances will dispense with the positive part of Moral Laws themselves.

The Subjects have a Right to their Lives and Liberties as well as the K.

Secondly, Let us now consider the Case of *Abdication* and *Desertion*, which was plainly the Case of the late King *James*: For he seeing himself deserted by his Subjects, and by part of his Army, who would not fight for him against their Religion and Liberties, durst not venture the Fortune of a Battel; and being, as appears by his Actions, resolv'd not to submit the Redress of all Grievances to a Free Parliament, had no other way left but to withdraw his Person, and fling up the Government.

Abdication and Desertion consider'd.

The Question then is, Whether this was such a leaving of his Crown, as put it into the hands of the Estates to dispose of it to the next Heir. We must not expect to find any Precedent of this nature, nor any Provision made for it in Law; for there never was an Example of this kind before, and probably will never be again: But all such unusual Cases must be determin'd by living Judges, according to the Reason and Nature of Things. We know how it has been determin'd, and what Disputes those Words *Abdication* and *Desertion* have caus'd; but I shall not dispute about Words, but consider the Thing.

The State of the Case.

I need not be at any pains to prove, that Government is absolutely necessary, and that all People have as natural a Right to supply the Vacancies of Government according to the Laws and Constitutions of the Kingdom, as they had at first to form themselves into human Societies: That Kings are made for Government, and therefore have no longer any Right to Kingship than they will administer the Government. And I think it is as plain, that for a King deliberately to quit his Kingdoms,

Kings are made for Government.

What it is
to quit the
Govern-
ment.

doms, without making any manner of Provision, or leaving any Authority behind him to govern in his name, is actually to quit the Government. For to leave off governing (as he does who withdraws his Person and Authority) is to quit the Government: And when the King leaves his Crown and Government, it must either of right belong to the next Heir, or the Body of the Nation, and the Estates of the Kingdom will be restor'd to their liberty of providing for themselves; for the Nation must be govern'd.

Parting
with the
Possession is
parting
with the
Right, and
how.

None is
bound to o-
bey him who
will not go-
vern.

It is evident indeed, that Princes many times leave their Thrones without any Intention to give up their Right to Government: But the Question is not what they intend, but what they do. If to leave their Thrones empty, which must be fill'd by somebody, be in the nature of the thing, or by necessary and unavoidable consequence, to give up the Possession of them to some body else, it is vain to talk of parting with the Possession, without parting with the Right, as far as he parts with the Possession. For tho a Right to the Crown be a different thing from the Possession of the Crown, yet the legal Possession of the Throne, and the legal Right to Government, are either the same thing, or so inseparably annexed, that to part with one is to part with both. The Right of Government (which is nothing but a Right to exercise all Acts of Government) is given by the legal Possession and Investiture; and therefore he who parts with his legal Possession and Administration of Government, parts with his Right to govern. To forfeit the Obedience of Subjects, I think, is the same thing, as to forfeit the Right to Government; and that he most certainly does, who leaves the Government: For Subjects cannot be bound to obey him who will not govern, who leaves them to take care of the Government themselves, or gives up the Government to those who will take it. No Prince has a Right to oblige Subjects to live without any Government, when he thinks fit to leave them: and therefore by leaving the Government, he absolves them from his Government, and gives them a Right to take care of themselves; and if he gives them a Right to dispose of the Government, he must give away his own Right to govern.

Leaving
the Govern-
ment ab-
solves
Subjects
from their
Allegiance.

Thus it is in the nature of the thing, whatever the occasion be that moves Princes to leave their Thrones, and how unwillingly soever they do it: For when a Prince leaves his Throne, he either leaves his Subjects in possession of some new Powers, or makes it necessary for them to submit to some new Government; and the same Necessity which justifies a Prince in leaving his Throne and Government, must absolve his Subjects from their Allegiance: But then the different Reasons for which Princes leave their Thrones, make a great difference in the Obligations of Subjects, as far as it is in their power to receive or not to receive such a Prince again; the understanding of which will be of great use in our present Case.

As a King
leaves his
Subjects, so
they may
leave him.

When a Prince is driven out of his Kingdoms by a foreign Power, if Subjects are able to do it, they are bound in Conscience to resist the Usurper, and to restore their Prince to his Throne again; if they cannot resist, they may and must submit. As their King unwillingly left his Subjects to save his own Life and Liberty, so Subjects may as unwillingly leave their King, and submit to the Conqueror, to save their own Lives, and Liberties, and Fortunes. For the Necessity is equal on both sides; the King does actually leave his Throne and Government, tho he be forc'd by a hard Necessity to do so, and when the Throne is left empty, Subjects are free: but such a Vacancy being only the effect of Force, Subjects ought to take no advantage of it against their King, when it is in their power to restore him; but when they are under the same Necessity to fill the Throne that he was to leave it, his leaving it vacant will justify their filling it again, and submitting to a new Prince.

The Case of
an expel'd
K. by his
rebellious
Subjects.

If a King be driven out of his Kingdom by his own rebellious Subjects, this will never justify them in keeping him out. For tho the King be gone, he did not leave them, but they drove him away; and if the Throne be vacant, they themselves made it so, and therefore are bound to fill it again with the Prince whom they have put out: And yet how far loyal Subjects in this case may submit to Force and Necessity, and consult the Peace and good Government of their Country, is a great Dispute, which I have no occasion to interpose in at present. All that I have to say as to this matter, is, That tho in this case the Throne be *de facto* vacant, yet it is not such a Vacancy, as will justify Subjects in filling it with a new Prince: But if the Throne be fill'd, or a new Government set up, how far Subjects may submit to it, is another Question.

If a King without any Force from his Subjects, privately without their knowledge, withdraws his Person and Authority, it is certain he leaves his Throne empty; but whether his Subjects may fill it with the next Heir, or must invite him back to fill it again himself, belongs to a Publick Judgment, upon a wise and equitable Consideration of all Circumstances; and such a publick Judgment ought to determine all private Subjects.

The Throne is empty when the King has left it, and an empty Throne must be fill'd, because the Nation must be govern'd. But yet there seems to be some difference in the nature of the thing, between such a Vacancy as this, by the King's withdrawing his Person and Authority, and a Vacancy by Death, which gives the next Heir an immediate Right to ascend the Throne. The Right of inheritance and Succession does not immediately take place, but upon the natural Death of the King. Whether the Throne be so vacant, while the former King is living, as to give Right to the next Heir to succeed, is matter of Judgment, and must be determined by the judicial Sentence of those to whom the Cognizance of such Matters belongs.

Now tho the Judgment of the Estates ought to be conclusive to private Subjects, yet if it be lawful after such a Judgment to enquire into such matters, it seems to me that King James had given them sufficient reason to justify them to all the World in declaring his Throne vacant. *How the Throne becomes empty, The Judgment of the Estates determines it.*

I have already observ'd (for there is no need of proving what is self-evident) that when a King has left his Throne, it is empty, and that the Necessities of Government require that an empty Throne should be fill'd again; and then it must be in the power of Subjects (whom the King has left without any Government, to shift for themselves) to fill it. Now if the reason of the King's leaving be such, as makes it just for them, if it be in their power, to call him back, they ought to do it; but if he left them for such reasons, as would make very good and loyal Subjects glad to be rid of him, they may with a good Conscience take the advantage of his leaving them, to fill the Throne with a more desirable Prince. For no Prince has liberty voluntarily to forsake his Government without giving up his Right to it, for human Societies must be govern'd; and therefore he actually devests himself of the Government, who by leaving it makes it his own choice not to govern: And when he has done so, 'tis very hard to conceive whence he should have Authority to resume the Government again at his pleasure, without the concurrence of the People whom he would govern. So that to me it seems plain, That a Prince who once quits his Government, must expect a Restoration from the good Nature of his former Subjects, not of Right: His Appeal must be to Conscience and Equity, not a Demand of their Duty by the strict Rules of Justice. *Necessity of filling the vacant Throne.*

Let us therefore consider the Case of the late K. J. with relation to Pleas of this kind. All that ever I could hear said against his *Abdication and Desertion* is, that he was driven out of his Kingdom by just and reasonable Fears, and therefore left his Throne very unwillingly, and did not intend to devest himself of Royal Authority, but only to reserve himself for better times, till he could return to his Throne by Force and Power. All this I verily believe is true, that he went away unwillingly, and hop'd to return again with Power, and had no mind, no intention to part with his Kingdom for ever. But what would they prove by all this? Would they prove that the late King did not leave his Throne? Or that when he had left it, the Throne was not empty? which is to prove that he did not leave his Throne, or that tho he left it, it was not empty, because he left it, and left it empty in a fright. Or would they prove, that his going away in a fright was not a voluntary Resignation of his Throne? I care not much if I grant this too, if they will but grant that it was a leaving it; for to leave a Throne, gives Subjects a Right to fill it, as well as a voluntary Resignation does, because the Throne must be full, or Government ceases: and a King that leaves his Throne, tho he knows it must be fill'd if he leaves it, does that by leaving his Throne, which he who resigns it does by a formal Instrument of Resignation; that is, he signifies to his Subjects that he won't govern them, but they must shift for themselves: for it is not at the will of a Prince, whether a Kingdom shall be govern'd or not; and when the King has left them, it seems more regular and legal to place the next Heir on the Throne, than to set up any other Person or Government. *Application to K. J's Case. The Jacobites Plea examin'd.*

The reasons then, why Subjects should not have filled the Throne, when the late King had left it empty, ought to be resolv'd into the reasons of his going away. What they were, is sufficiently known; and I believe no *English* Protestant, who loves the Religion and Liberties of his Country, will say, that they are such Reasons

as would excuse or justify his leaving them, or make it the Duty of Subjects to recall him.

The visible Reason for K. J's going away.

The only visible Reason of his leaving us was this, That if he staid, he must be under a necessity to call a Parliament, and he was resolv'd not to venture his Cause with them; not to suffer them to censure and redress the Miscarriages of his Government; not to part with his Dispensing Power; not to give such Security, as a Parliament would have demanded, for the Preservation of their Laws, Liberties and Religion: that is, he was resolv'd to be no King, or to be Absolute and Arbitrary. And let any man judge, whether this were not a good reason for Subjects to take the advantage which he had given them, and to fill the Throne which he had made empty? To renounce a legal Government is to renounce the Crown of *England*; and he who leaves the Throne, to avoid the Necessity of governing by Law, may get it again when he can, but Subjects are not bound to give it him: They know for what reason he parted with it, and to restore it to him would be a plain Consent that he should have it upon his own Terms.

Pretences of Fear consider'd.

I know it is pretended, That he had reason to fear that his Person was not safe in *England*; and that was the true reason why he withdrew into *France*. But this was so unreasonable a Fear, had he resolv'd to have comply'd with the Parliament, that it seems rather to be a plausible Pretence than the true Cause of his withdrawing.

Parliament desir'd to redress Grievances.

** Hist. of Desertion, in Vol. I. of this Work, p. 78.*

The Prince indeed was landed with a considerable Force, and the King was deserted by some of his Subjects, who declar'd for the Prince; and by part of his Army, that went over to him: which I grant was reason enough for him to suspect, that it was not safe for him to dispute this matter by the Sword, and defeat his Hopes of attaining his irregular Desires by a Victory. But it was no reason to think that his Person was not safe, would he have call'd a Parliament, and refer'd the Redress of all Grievances to them: those who would not fight for him against the Prince, and against their Religion and Liberties, would have secur'd his Person from all violent Attempts. He had reason to believe this, since the Prince desir'd no more, and the Associators declar'd for no more (and all their Words and Actions spoke it) than that they would adhere to the Prince * *till our Religion, Laws and Liberties are so far secur'd to us in a free Parliament, that we shall no more be in danger of falling under Popery and Slavery.* The denial of this was the reason why the Prince of *Denmark*, Duke of *Grafton*, Lord *Churchill*, and others of the Nobility left him, as appears from the Letters of the Prince and my Lord *Churchill*: And when his Voyage for *France* was stop'd, and he return'd to *London*, the general Acclamations wherewith he was receiv'd as he pass'd thro *London* Streets, might have satisfied him how little danger his Person was in; and it is said, that he observ'd it himself, That *tho they hated his Religion, they loved his Person.*

The Convention justify'd.

If then the late King had no reasonable cause to fear the Safety of his Person, would he have staid to redress all Grievances by a free Parliament; if Subjects had no sufficient reason to think, that he withdrew his Person and Authority for any other cause but to avoid the necessity of giving Satisfaction to his People in Parliament; if there be no Evidence that he would have staid to redress all Grievances, had he been assur'd of the Safety of his Person, it seems to me, that the Estates had great reason and necessity to do as they did, to declare the empty and forsaken Throne vacant, and to fill it with the next Heir. It is certain this is such a case as belongs to the supreme Judgment of the Estates; for when a Throne is empty, by what means soever it becomes so, it belongs to them to consider whether and how it is to be fill'd: And in such cases it is the publick Judgment, and not some mens private Reason, which is our Rule.

The P. of O. had reason for what he did.

But let us suppose his Fears had been ever so just and reasonable, we must consider, who brought him into this state of Fear and Danger; for if the Guilt of this were wholly his own, his Fears are no better excuse, than those violent and illegal Proceedings which first frightned the whole Nation, and then brought these Fears upon himself. What he had already done, justified both the Prince of *Orange* and the Subjects of *England* in what they did; and if no body were in fault but himself, if his own Misgovernment made him fear, and his Fear made him quit his Throne, his Abdication is as perfectly his own Act as his Misgovernment was: and then Subjects might very innocently take the advantage, which without their fault he had put into their hands, to deliver themselves from Fear and Slavery.

The Prince of *Orange*, now our Gracious Sovereign, had very just reasons for what he did. His Princess was the next Presumptive Heir to the Crown of *England*,

England, and in her Right he was immediately concern'd in the Protection and Defence of these Protestant Kingdoms, at least so far as to secure the Succession.

The late King made great hast to subvert the Fundamental Constitution of the *English* Government, to change our Laws, and Liberties, and Religion; and both to effect and secure such Usurpations, took care, as fast as he could, to put the whole Civil and Military Power into the hands of Papists. What an evil aspect this had on Protestant Heirs and Successors (besides the present Oppression of the Subject) every one saw; especially when it was pretended that the Queen had brought forth a Prince of *Wales* to inherit the Crown, and to perfect that blessed Work of Slavery and Popery. If this will not justify the Prince of *Orange's* early Care for a legal Redress of Abuses, which would infallibly have alter'd the Succession, and defeated his Right, if they had proceeded any farther, I think the Heir to the Crown is in an ill Condition; for it may be with the latest to put in his Claim, when another is stept into the Throne before him. It is no new thing for the Parliament of *England* to settle the Succession to the Crown, while the King is living, and to make all legal Provisions to secure the Succession; and if this may be done during the Life of the King, the Prince had great reason to make his Appeal to a Free Parliament, and to take Arms to obtain such a Free Parliament, which the humble Addresses and Supplications of Subjects could not obtain: and this was all the Prince did to put him into this fright; and if he had not done it, he had in some degree deserted his Right, as King *James* has now deserted his Throne.

As for the Subjects of *England*, the great Body of the Nation stood still, and neither assisted nor opposed King *James*, tho generally they wish'd well to the Prince: And what was the fault of this? The most Passive Men have always declar'd, That they are not bound actually to serve and defend the King in his illegal Oppressions, or in his Usurpations upon the Laws, and Liberties, and Religion of their Country; for no Man can be bound by Law to fight for the King against the Laws: For the Right of the King, which is only a Right by Law, can never be more sacred than all the Laws; and it seems very hard to fight for one Law against all other Laws, to fight for a King to make our selves and all his other Subjects Slaves.

None is oblig'd to assist the K. against Law.

The Prince of *Orange* came with an Army into *England* to demand a free Parliament, to redress the Miscarriages of Government, to secure the Succession, our Liberties and Religion, which were beyond denial in danger. What now should the Subjects of *England* do? Should they fight for King *James* against the Prince? What had that been but to fight against a Free Parliament, our Laws, and our Religion? Those Protestants, who are now the most zealous Assertors of the late King's Right, did at that time, for these reasons, excuse themselves from the Obligation of fighting for him. And yet *English* Subjects cannot be charg'd with denying to assist their King against the Prince of *Orange*, for they were never requir'd to do it: There were no new Commissions granted them, without which, some are of opinion, according to strictness of Law, it had been criminal in them to take Arms, tho it had been to defend their King.

Jacobites refus'd to fight for K. J.

And it seems very hard, if such a difficult Juncture as that was, when there were two Armies in the Bowels of the Kingdom, will not justify those Gentlemen who took Arms, and stood upon their own defence; and that they declar'd to stand by the Prince of *Orange*, till all Miscarriages should be redress'd by a Free Parliament, seems to me little more than what those Bishops themselves did, who now refuse the Oaths: For when they were requir'd to do it, they would not sign an Abhorrence of the Prince's Undertaking; and at *Guild-hall* they sign'd the Lords Address to the Prince, wherein they promised him their Assistance to procure a Free Parliament.

The Non-swearing Bishops refus'd to sign an Abhorrence of the Prince's Invasion.

And if neither the Prince, nor the Subjects of *England* were to be blam'd for what they did, it is easy to guess where the whole Blame must lie: And if he wilfully brought this Necessity upon himself of quitting his Kingdoms, and rather chose to leave his Throne than satisfy the just Demands of the Prince, and of his own Subjects, he left his Throne for such reasons as made it just and necessary for his Subjects to fill it.

If these Principles be true, they furnish us with plain and easy Answers to all the Difficulties relating to our present Settlement; which I shall briefly observe as the Sum of this whole Discourse.

I. As first, Whether the late King *James* be still of Right the King of *England*, or of Right ought to be so. The only Argument to prove King *James's* remaining Right is, That he was the rightful Heir to the Crown, and was legally and right-

fully

fully possess'd of it, and therefore is rightful King still, or at least of right ought to be King.

Answer.

Now, from what I have already said, and I hope prov'd, the Answer to this is plain. 1. That as to his Right of Succession, the Subjects of *England* own'd it, and actually gave him the Crown, with all the accustomed Rites and Ceremonies of Coronation; and therefore there is no dispute about that. But the Question is, Whether a King who loses, or gives away, or deserts his Crown, and falls from the Regal Power, have a new Right of Succession when the Throne is again fill'd; that is, Whether if he part with his Crown, he can be Heir and Successor to himself, and by the Right of Inheritance challenge his Abdicated Throne again.

K. J. no
rightful K.
still, tho
once he was.

2. That he was once a *Rightful King*, does not prove that he is King still: For legal Right to a Relation and the legal Relation may be separated. He may be no King, who had once a legal Right and a legal Possession of the Throne; and he may be the legal King, or one whom the Law owns to be King, who had no immediate antecedent Right to the Throne. For tho in Relations which are founded in Nature, the *Right* and the *Relation* cannot be separated, yet in legal Relations they may. And if he who had, or has a legal Right to the Crown, may be no King, Subjects can owe him no Allegiance, for Allegiance is due only to the King.

3. That he was once a rightful King, does not prove that he has any right to be King now: For a *legal Right* (as the Right to the Crown is) may be lost by Conquest, or parted with by *Resignation*, or by *Abdication* and *Desertion*; and that the late King has so deserted his Throne, as to make it not only lawful, but even necessary for his Subjects to fill it again, I have already prov'd.

So that it is not enough for those who insist on King *James's* Right, to say, That he was rightful Heir to the Crown, and that he was once rightful King, which is all that they pretend to: For tho he was once a rightful King, he may now neither be a King, nor have any right to be King.

II. Another Question is, Whether King *William* and Queen *Mary* be the rightful King and Queen of *England*?

K. W. and
Q. M. the
only right-
ful King
and Queen.

Now had King *James* died before the pretended Birth of the Prince of *Wales*, this had been no Question, for then Queen *Mary* had been the undoubted Heir to the Crown; and in her Right, and by Consent of the Princess *Anne*, allow'd and confirm'd by the Authority of the Estates, K. *William* had been the rightful and legal King. Now if K. *James* parted with his Right and Crown together, by forsaking his Government and leaving his Throne vacant, and the Estates had a right, if they pleas'd, to fill it, there can be no more pretence of *Right* upon the late King's account than if he had been dead. And as for the pretended Prince of *Wales*, at best his Birth was so very doubtful, that there was no reason for the Estates to reject the next undoubted Heir for him; especially when the King refus'd to submit that Dispute to Parliament, as the then Prince of *Orange* had done. And had his Birth been ever so unquestionable, he could not be had, without taking the late King again; which was reason enough for the Estates not to concern themselves with that Dispute, but to place the next Heir upon the Throne that could be had. The King withdrew himself, and sent away him whom he call'd the Prince of *Wales* before him, that we should not have him to make him King, had we had ever so much mind to it; and had all the Royal Family deserted in the like manner, or had they been convey'd away from us, I see no reason why the Estates might not as well have chosen a new King, as if all the Royal Family had been extinct. And if this be the true state of the Case, as certainly it is, there can be no dispute whether their present Majesties be rightful King and Queen.

Pret. P. of
W's Birth
doubtful at
best.

III. A third Question is, How far those who are not satisfied in their own private Judgments, whether the late K. *James* have lost his Right, and their present Majesties are rightfully advanc'd to the Throne, may own and pay their Allegiance to their present Majesties?

Allegiance
due to their
present Ma-
jesties,
prov'd.

Now if we do but allow that this is matter of Dispute, all Disputes about legal Rights must be determin'd by a legal Authority; and private Subjects must acquiesce in such Determinations, unless we will dissolve Civil Societies for the sake of some disputed legal Rights. Since then the Estates of the Realm (who are the highest Authority when there is no King on the Throne) have determin'd this matter, private Subjects have nothing now to do with it. In Matters which concern Civil Government they must follow the publick Judgment, which is the rule and measure of Civil Obedience, in contradiction to their own private Opinions, where the Dispute is only about Civil and Legal, not about Natural and Moral Rights.

Rights. Private Subjects must own him for their King who is invested with the Royal Authority by the Estates of the Realm, to whom alone it belongs to judge authoritatively about such matters.

IV. But the last and great difficulty of all still remains, viz. Supposing K. James should land in England with Military Force to demand the Crown, what the Subjects of England are bound in Conscience to do? Which side they ought to take? Whether they must fight for the late K. James against their present Majesties, or for their present Majesties against the late K. James?

Qu. What the Subjects are bound to do in case of K. J's landing in England.

Now if K. James had lost his Crown, and his Right to it, and K. William and Q. Mary are rightfully possess'd of the Throne (which I take to be the truth of the Case) this will admit of no Dispute; for it is certain we ought to fight for our rightful King and Queen, against one who has been King, but is no King now, nor has any right to be King ever again.

But there is no absolute necessity of insisting upon Right: it is sufficient to determine the Case, only to say, that the Laws of the Land require us to fight for our King against him who is no King; and he is King whom the Laws of the Land own to be King; that is, he who is plac'd on the Throne, and invested with the Royal Authority, with all usual and accustom'd Solemnities, by the Estates of the Realm. A legal Investiture makes a legal King, and the Law requires our Allegiance to such a King, that is, all legal Obedience and Defence; and the Law is the measure of legal Rights. Whatever Right then any Prince may pretend to the Throne, if the Law does not allow private Subjects to take cognizance of such Rights against a legal Possessor, if it does not extinguish, yet at least it limits, suspends, and sets aside such Rights in such cases, that they are to Subjects as if they were not: And as the Law can make and create legal Rights, so it can limit and set bounds to them, and determine in what cases and to what effect and purposes they shall be Rights, and they are legal Rights no further.

Their Majesties are to be fought for, and not K. J.

But besides this, it is worth observing, That the Law does not allow Civil and Legal Rights to be disputed and determin'd by the Sword; for that is a Dissolution of Civil Authority and Civil Government: and therefore no Subjects can be bound at any time by the Laws of the Land to fight for a suppos'd or pretended Right against a legal Possessor. We are bound to fight for our King, to defend his Person, Crown and Dignity, but it is for a King whom the Laws own to be King; that is, who is invested with the Royal Authority by the Estates of the Realm, and is actually on the Throne. According to the fundamental Constitution of all Civil Societies, the Disputes about the legal Rights must be determin'd by the Judgment and Sentence of a competent Authority, not by the Sword, which can decide no Question, but which side is strongest. An Appeal to the Sword against the Sentence of the last Authority, puts an end to the Authority of Laws, and consequently is no part of legal Obedience and Defence; and then I cannot guess how any Subjects should be bound in Conscience to fight for the mere Right of a Prince (whatever Opinion he may have of his Right) against a legal Possessor of the Throne; nay, it seems to me that Subjects are bound in Conscience not to do it, as much as they are bound not to fight against Civil Authority and Government. Nor is this to fight for Wrong, or to fight against Right, wherever we suppose the Right to be, for we neither fight for or against either, which the Laws and the very nature of Civil Constitutions will not allow; but we fight for our King against all his Enemies at home or abroad, as the Laws of the Land require us to do.

The Law allows of no fighting for a pretended Right.

And what Right soever any Prince has, when he comes to dispute it with the Sword, Subjects may and ought to defend the Possessor against him, and to leave the Dispute of Right to the Judgment and Determination of a proper Tribunal. Thus the Prince of Orange, his present Majesty, did; tho he came with the Sword in his hand, it was not to try his Cause by the Sword, but to refer his Cause to a Free Parliament, and to procure such a Parliament by the Sword, which nothing but the Sword could obtain.

A Free Parliament was to determine the Dispute, and not the Sword.

In short, when a Prince challenges his Right by the Sword, it is seldom seen that his own contents him; if he wins his Crown, he makes himself Master also of his Subjects Rights, and may carve out what kind of Power or Government he pleases with a conquering Sword: And therefore whatever Obligation Subjects should be suppos'd to lie under to the rightful Heir, they are not bound to make him a Conqueror, which is to make themselves Slaves, if he pleases. They cannot fight for his Right without fighting against their own, and against the Rights and Liberties of their Country; which is proof enough, that no Civil Constitution

can allow of fighting for the Crown. Such things have been, and such things will be; but the Question is, What Subjects are bound in Conscience in such Cases to do? And unless they are bound to enslave themselves and their Country, they can never be bound to suffer, much less to assist any Prince, whatever his Pretences be to seize the Crown by Conquest.

This is a good Argument against any Prince who will force his way to the Throne, which is already fill'd by the Estates of the Realm; but it is an unanswerable Argument in our present Case. We know the late King *James* too well to trust him with a Conquest if we can help it; and we know the *French* King too well to receive his Troops among us if we can keep them out; and those whose Consciences command them to assist the late King to conquer their Country, need some other Cure than Arguments to convince them: But this has been so fully stated in the two Letters to a Friend concerning the French Invasion, that I shall refer my Readers for farther Satisfaction to those Letters.

Reflections upon the Conditions of Peace offer'd by France;

Printed in
1694.

And the Means to be employ'd for the procuring of
Better.

SINCE Persons who are possess'd with too great an Opinion of the Power of *France*, and are ignorant of the Reasons that oblige that Crown to wish to see an End of the War, may be apt to imagine that the Conditions of Peace which were propos'd in *Sweden* by the Count d' *Avaux*, ought not to have been so disdainfully rejected; it may not be amiss to shew how captious and unjust those Conditions are, and how necessary it is to look upon them as a Snare, which we ought to be very cautious of falling into.

It is certain, that they leave *France* in a condition to break the Treaty which it would make with the Allies, upon the first favourable Occasion that should present it self; which I hope to prove very plainly in the sequel of this Discourse. And it cannot be doubted but that our Enemies will be ready to renew the War after the Term of some few Years, and to push on their Arms with so much the more fury, as they shall then find fewer Obstacles to their Designs, if they are not reduc'd to such Restitutions as shall give us Security that they shall not dare again to violate their Words.

An. 1659.
Advantages of Fr.
by the Pyrenean
Treaty.

I may say, That if their Ambition could have suffer'd any Bounds, the Treaty of the *Pyrenees* had remain'd inviolated: For it did, indeed, give *France* very considerable Advantages. The quitting them *Thionville*, *Montmedy* and *Damvilliers*, laid the Archbishoprick of *Treves* and the Dutchy of *Luxemburgh* open to them: That of *Avenne*, *Philippeville*, *Landrecy*, *Quesnoy*, *Arras*, *Graveline*, and many other Places in the *Low-Countries*, put them in a condition to push on their Conquests farther that way; and the other of *Roussillon* and *Conflans*, open'd them a Door to attack *Spain* it self. The Minority of the King, and the Weakness of the Ministry which the Factions of Don *Jean* of *Austria* had disjointed, and the War which then broke out between *England* and *Holland*, were sufficient Reasons for a Rupture; and the imaginary Rights of the Queen of *France* upon *Brabant* serv'd for a Pretence.

1667.

The Storm then fell upon the *Low-Countries*, and the *French* carry'd Terror and Desolation through all those Parts: *Aeth*, *Tournay*, *Donay*, *Oudenarde*, *Alost*, *Armentieres*,

mentieres, Bergues, Furnes, Dixmude, Courtray, and L'Isle, receiv'd the Laws of the Conqueror; who seeing that the *English* and *Dutch* after they had agreed, were enter'd into an Alliance with *Sweden* to oppose that Torrent, judg'd it convenient to consent to a Peace; by virtue of which he kept the Places that he had taken in the *Low-Countries*, and was content to restore to the *Spaniards* the *Franche-Conté* which he had seiz'd during the Winter, after a very weak resistance.

This Treaty, which was that of *Aix la Chapelle*, was no more Sacred to France than that of the *Pyrenees*. It could not digest the *Hollanders* having stop't the Progress of its Arms; and to put them out of a condition to traverse its Designs for the future, it was resolv'd to carry the War into their Country. The *French* found a way to gain Intelligence in the very Bosom of their Republick; they brought the Elector of *Cologne* and the Bishop of *Munster* into their Interest; they seiz'd upon *Lorrain* for Precaution, to leave nothing behind them that might disturb them. In a word, the King of *England* was perswaded to join with them, upon condition that he should have the Maritime Places of *Holland* and *Zealand*: But by a stroke of their ordinary Policy, they made no Conquests but in the Inland Countries, where they were to keep what they got themselves.

I shall not stay to describe the prodigious Success which this Invasion of the *French* had in so favourable a Conjunction: Every body knows, that in less than five Weeks they made themselves Masters of more than forty Cities. But the Face of Affairs being chang'd by the Diversion that was given by the Emperor, *Spain*, and the Elector of *Brandenburgh*, and by the Resolution that was taken to put at the Head of the Armies of *Holland*, the Prince who now governs us, they found themselves oblig'd to abandon all that they had taken from that Republick, to possess themselves of other Places in the *Spanish Low-Countries*, which they could more easily keep. In effect, they made there so great a Progress, that King *Charles* the Second, forced by the murmurings of his People, resolv'd at last to oppose them, and to send his Forces into *Flanders*. A Pass, which might have procur'd reasonable Conditions of Peace for the Allies, if *France* had not found means to disunite them in the Assembly of *Nimeguen*, and to conclude there a particular Treaty with *Holland*, which was quickly follow'd by a general one; by which, besides almost all the Places that were conquer'd before the Peace of *Aix la Chapelle*, the *French* kept *Condé, Valenciennes, Cambray, St. Omers, Ypres*, and all the *Franche-Conté*.

But this was not enough to satisfy their Ambition. The Conjunction was so favourable, that it gave them much higher Expectations. King *Charles* the Second was in their Interest, the *United Provinces* weaken'd, and *Spain* in a very low condition. The Elector of *Brandenburgh*, and some other Princes of the Empire, were discontented; the Emperor taken up with the Revolts in *Hungary*, and expecting every day all the *Turkish* Force upon his Hands. The Occasion was too inviting to be neglected; and therefore *France* took this Opportunity to seize upon *Stratsbourg* (a Place which may be justly stil'd the particular Key of the Empire) to buy *Casal* of the Duke of *Mantua*, to block up *Luxemburgh*, to enter into the *Low-Countries*, and there to raise vast Contributions; which, for all that, did not prevent their burning and plundering: And besides all this, by the Trick of establishing Chambers at *Metz, Brisac, and Besanxon*, they usurp'd all the Fiefs of the Empire which they found convenient for them, all along the *Rhine* and the *Moselle*, under the pretence of Reunion, making the next Places always Dependencies upon those which they had last taken.

It cannot but be said, that so many Hostilities committed in the midst of Peace, gave the Character of an unmeasur'd Ambition. And yet what follow'd is yet more odious, *France* could not conceal its Joy, when it saw the *Turks* before *Vienna*: It was in hopes, that after the taking of that important Place, the Princes of *Germany* must be forc'd to confess, that no other Power than that of *France* was capable of saving the Empire; and that, upon condition they would elect the Dauphin King of the *Romans*, they might find there a Succour able to support them. *France* promis'd it self easily to oblige the *Turks* to a Retreat, and that their Troops being numerous, fresh and experienc'd, would not find it a difficult matter to conquer an Army that was compos'd of raw new-rais'd Men, and diminish'd near the one half by the fatigues of a long Siege. Thus after having us'd all their Endeavours to arm the *Turks* and *Teckely* against the Emperor; and after having brought them even to *Vienna* by their Counsels, and by large Supplies of Mony, they had projected to have broken all the Treaties they had concluded with them; and *France* would have made it self a Way to the Empire by driving them out of *Germany*.

Tis

An. 1668,
Treaty of
Aix la
Chapelle
broke by
France.

1670.

The Inva-
sion made
by France
1672.

1675,
1676,
1677.

1678,
1679.

1681.

1682,
1683.

The unmea-
surable Am-
bition of
France.

'Tis no wonder then that in such Circumstances, the raising of the Siege of *Vienna* caus'd that shameful uneasiness, which they could not forbear shewing there so publickly, and which was hardly sweetned by the taking of *Luxemburgh*, with which they were forc'd then to be content.

Truce with
the Empe-
ror for 20
Years,
1684.

This last Conquest was enough to open the Eyes of those that were most blind, and to persuade the Emperor to an Accommodation with the Turks; who being discourag'd by their Losses, began to desire Peace: And therefore the *French* fearing that all the Forces of the Empire would be united against them, consented to the Truce of twenty Years; by virtue of which they kept provisionally all that they had usurp'd since the Peace of *Nimeguen*.

This Truce held no longer than was necessary to put them in a condition to break it; and an Occasion quickly presented it self. *James* the Second succeeded to the Throne of *England*, notwithstanding his publick profession of a Religion that was condemn'd by the Laws of the Kingdom; and *France* engag'd him in a Secret Treaty, the Design of which was the Conquest of *Holland*. It was in order to this, that they endeavour'd to put the Electorate of *Cologne* into the hands of the Cardinal of *Furstenburg*; that so, being Masters of the Places which that Cardinal would have been in possession of upon the *Rhine*, and seizing upon the rest, before the Princes of *Germany* had time to recollect themselves, they might make use of that River to carry their Ammunition and Provisions to the very Frontiers of *Holland*.

'Tis very plain, that *Holland* being once conquer'd, the *Spanish Low-Countries* could not avoid the Yoke of the Conqueror; who, on the other side, having brought the four Electors of the *Rhine* to his Devotion, had but a fifth to gain, to make the *Dauphin* be elected King of the *Romans*. Besides, it was time to make a Diversion in favour of the *Turks*, who were under a great Consternation at the taking of *Belgrade*: And it was upon this condition only, that they offer'd to continue the War against the Emperor. *France* had an Army very numerous and well disciplin'd, experienc'd Generals, and Magazines well furnish'd, and wanted none of those Reasons of Interest, which seem to be the only ones they regard, to determine them to break the Truce.

1688.
Siege of
Philips-
burgh.

'Tis no very great wonder then, that they resolv'd upon the Siege of *Philipsburgh*. 'Tis true, that the Advice they had a little after, that the Prince of *Orange* prepar'd to make a Descent upon *England*, should have oblig'd them to send an Army upon the Frontiers of *Holland*, rather than to attack the Emperor. This had been indeed the way to hinder a Revolution, which seem'd to be the only Turn which could deliver *Europe* from the Slavery into which it was just a falling. But looking upon the Project of the Descent as a chimerical thing, or at least imagining that the Success of it could not possibly be so sudden, or so prosperous as it was, they continu'd to carry Desolation into the Empire. The taking of *Philipsburgh* was follow'd by that of *Heydelberg*, *Manheim*, *Frankendale* and *Mayence*; and they abandon'd all the *Palatinate*, and the Circles of the *Upper Rhine* to Fire and Plunder.

Great Cru-
elties com-
mitted by
the French
in Germa-
ny.

This is too fair a Field to enlarge upon the Cruelties that are always the miserable Consequences of the *French Invasions*. 'Twas a small matter that this Rupture carry'd with it all the imaginable Characters of Breach of Faith; That it was the breaking of a Truce which *France* it self had sought, and from which it drew great Advantages; That it was broken, to raise the Hopes of the Enemies of Christianity, and to take the opportunity of the absence of the Imperial Troops which were employ'd in *Hungary*. They join'd to the Indignity of an Alliance made with the *Infidels*, and to the Injustice of the Rupture, all the Excesses that Violence could inspire: Fire, Sword, Profanation, and all that could be expected from the unlimited Licentiousness of the Soldiery, were employ'd to ravage Countries, where they found no resistance. There was no consideration had of Age or Sex, no distinction for any Dignity Ecclesiastick or Secular, and no regard to Things or Places consecrated to the Service of God. They reduced Cities to Ashes which had voluntarily open'd their Gates, and to which the *Dauphin* had promis'd all good Treatment, in consideration of the large Contributions they had just paid.

Great Bar-
barities of
the French.

They burnt a vast number of Towns, Villages and Castles; and after having exhausted, by a thousand Extortions, a Country of above forty Leagues in extent, they ruin'd it totally by a general Ravage, for no other Reasons but to deprive the Armies of the Allies which were then assembling, of the means of subsisting. 'Twas now that wretched Incendiaries had the confidence to commit all sorts of Sacrilege, to violate the Ashes of Princes, pillage Altars, burn Churches, pull down

down Palaces; and push on their Licentiousness to such Extremities as could not be of any advantage to those that authoriz'd them, but must be attributed to nothing else but a blind Desire of ruining and destroying. But 'tis needless to enter into the Particulars of these Cruelties, since the Examples of them are yet fresh; and the Recital can give but a very imperfect Idea of them. I shall only remark, That the Excesses we here mention, were not such as were done during the Heat of Action, but in cold Blood. The Orders of the Court were express in them, the Generals presid'd at their Execution; and if there were any who seem'd to be less vigorous, from the Horror of the Action, they were punish'd severely for an Example.

If we follow the Conduct of *France* thro the whole course of this War, we shall discover every where the Marks of its Breach of Faith. The happy Success which generally follow'd their Designs, could not hinder them from pursuing their End, by Means that were very infamous. What Artifices have they not us'd at *Rome*, and with the Princes of that Communion, to represent this War as a War of Religion, which they engag'd in barely for the Interest of King *James*? What have they not done, to divide the Allies? They have done what they could to form a neutral Party in *Germany*, and to engage some Sovereigns to withhold their Troops, and even to make some Motions that should give Jealousy to their Neighbours. They have endeavour'd to take advantage of the Circumstances of the Ninth Electorate to oblige the Princes that oppose it, to engage themselves; promising to support their Pretensions, if they would make a Diversion in favour of *France*. They have left nothing untry'd to blind the Duke of *Savoy* by advantageous Offers; and while they play'd so many Engines in the several Courts, they caus'd Conditions of Peace for the Emperor and the Empire to be propos'd at *Ratisbonne*, with a design to draw them off from the rest of the Allies; and to leave nothing unattempted, Endeavours were us'd at the same time to dispose *Holland* to a particular Accommodation. The Secretary *Du Pile* was dispatch'd to manage this Negotiation, the Success of which they hop'd to facilitate by some notable Enterprize in *Brabant*. Our King was the only Party that they thought it was in vain to lay such Snares for, and it was for this reason that they believ'd their surest way to get him off their hands, was to hire some Villains to assassinate him; who being found out, discover'd those that set them at work, and have left such Stains upon their Memory as nothing will ever be able to wash off.

Great
Breach of
Faith in the
French.

Anno 1693.

1692.

'Tis certain, that the Method of *France* is to employ open Force against those who are unable to resist; to use Artifice with those who 'tis probable may be seduc'd, and to have recourse to Poison and Assassination against such as it despairs to reach by Force or Artifice. How can we depend upon any Alliance made with them? They know they owe all their Success to the Diversion that is given by the Turks; they assure them by the most sacred Promises, that they will never make a Peace without comprising them in it, and yet at the same time they propose Conditions of Peace to the Emperor, and insinuate to him, that if he will accept of them, he may make his Market as he pleases with the Turks; and that having no other Enemies but them, he may triumph over them as he thinks fit. I need not infer after such an Example, that the Allies have little reason to confide in the Promises of *France*, till they shall see it reduc'd to such a Temper that it shall not be in its Power to break them.

French
Practices.

'Tis true *France* proposes at present, Conditions of a general Peace; but 'tis not till they have seen all their Endeavours and their Projects eluded on every side; 'tis not till they have found those unmoveable whom they hop'd to have engag'd in separate Treaties. And since the Offers that are now made would leave *Germany* and the *Low-Countries* expos'd to their Invasions, we ought to look upon them as an Artifice, the end of which is to make those ambitious Designs succeed the more surely, which are not yet out of their View.

'Tis very plain, that there is nothing but what we have reason to fear, if *France* gets advantageously out of this present War; and that after the Proof they have had of their Forces, they will treat their Neighbours hereafter with much more State than they have already done. This is certain, they have done things which they could scarce think themselves capable of doing; and therefore we have more reason to tremble than ever, if we do not make use of the present League, to reduce them to their just Bounds. Experience has but too plainly convinc'd us, That there was need of no less than all the Powers that are united in the present War, to make Head against *France*. But who can assure us, that it shall be possible

The necessity
of hum-
bling
France.

possible to unite them a second time? Can so many Circumstances that met together to give birth to the League, concur afresh to form a new one? Every one knows, that to produce and confirm this Union, it was necessary that all the Allies were convinc'd of the Injustice of the *French* Proceedings: That every one of them in particular had experienc'd their unhappy Effects, and that one common Danger had put them into an indispensible Necessity of defending themselves. And how many Incidents have been necessary since? The *Retreat* of King *James*, the happy *Revolution* that follow'd it, and the *Reduction* of *Ireland*, have been the Degrees by which the Nation has been put in a state to act with Vigour against the common Enemy. It was not enough to be govern'd by a Prince that would not be discourag'd by Difficulties, nor disturb'd by Dangers, who commands his Armies in Person, and animates them by his Example. The state of Affairs requir'd, besides this, that this Prince should have Credit enough in *Germany*, to oppose with Success the Intrigues of *France* there, and that he should be at the Head of the Forces of a powerful Republick both by Sea and Land. And sure there will need no great Pains to prove, That since we cannot promise our selves a like Conjunction hereafter, 'tis absolutely necessary to make the best Use of it while we have it.

Peace will
strengthen
France.

Oppressions
on all ranks
of People in
France.

To this may be added, That some Years of Repose would give *France* the Means of making a stronger Party in *Germany* and the *Northern* Courts; so that it would not fail to make use of the first Revolution that should arrive in *Europe*, to renew the War. No body is ignorant, that 'tis their Policy not to disarm in time of Peace, and that the Revenue of that Crown is always the same; which gives it infinite Advantage, when it attacks those who are us'd to disband at the end of a War; and which keeps up its Armies by Taxes, which are presently interrupted by Peace. Besides this, the King of *France* is absolute in his Government: His Frontier-Towns are extremely strong, and in such a Situation, as to command all the Neighbouring Countries; so that he is always ready to make Invasions, and out of danger of having them made on him; and the unquiet Genius of that Nation, together with the Care that is taken to form it to Slavery, requires frequent Wars abroad. Besides, that Crown is so far from having the Happiness and the Repose of its Subjects in view, that its main study is to keep them low. The Clergy can no longer vaunt of any Prerogative; the King is as absolute over the Spirituality, as he is over the Temporality: All depends upon his good Pleasure, which is now become the only Law of the State. The Nobility have lost all their Privileges; they are reduc'd to a Necessity of cringing servilely to an Intendant of a Province; and have no other way to aspire to any Distinction, but by low and unbecoming Submissions. The People groan under the most severe Oppression that can be imagin'd. The Parliament, which was formerly a Mediator between the Sovereign and the Subjects, and maintain'd the Laws and Liberties of the Kingdom, by a wise Temperament between the Authority of the one, and the Obedience of the other, is now become nothing but an Engine to authorize the Injustice and the Oppressions of the Court. So that there is nothing on the side of *France*, which doth not give Apprehensions of a new Rupture, if by a Treaty of Peace it remains in a Condition to insult its Neighbours whenever it shall have a mind to it. But this Fear will be yet doubl'd, if we consider the necessity there would be of the Powers of *Europe* uniting a second time, and the Obstacles that would either prevent or retard their Union. The Emperor, it may be, would be still employ'd with the War against the *Turk*, and without doubt would be weaken'd by the Disunion of the Princes of *Germany*, with whom *France* will have had the time to resume its usual Intrigues.

Add to this, That nothing can be concluded in the Empire, before a Resolution taken in the Dyet; and Experience plainly shews to how many Delays and Contests those sorts of Resolutions are subject. *Spain* would be as much as nothing, especially as to the *Low-Countries*, which it would be then impossible to save. *Holland* would be drain'd by the present War, discourag'd by the Success of it, and little dispos'd to enter upon another; besides that the Conquest of the *Low-Countries*, which the *French* would be able to possess, themselves of, before the Allies could re-assemble their Forces, would put that Republick under the Discretion of the Conqueror: It would be no longer practicable for *England* to send Succors to those that were ready to be oppress'd, because the *French* would have in their Power all the Ports of *Flanders*; and *Holland* would not dare to admit us into theirs. We should not be in a Capacity of meddling with the Affairs abroad, and it may be not capable of making any considerable Effort for our own Preservation.

The only Remedy for all these Evils, but that a sorrowful and uncertain one, Continuing arm'd an uncertain Remedy. would be to remain arm'd in time of Peace, as if it were in the Heat of War; otherwise *France* would break thro' all at the first Shock, and making use of the Advantage of the Surprise, would make in a very little time such a Progress as would render it Mistress of the Fate of *Europe*. We should be then expos'd to the inevitable Loss of our Commerce, and to the Danger of falling under the Arms of *France*, if we did not even in Peace keep on foot a strong Army at Land, and a great Fleet at Sea; and after having neglected to make such a temporary Expence as might procure us a solid Repose, we should find no other way to save us from utter Ruin, but the making our Taxes perpetual: and I believe every *English-man* will conclude, that this is an Extremity with which the Expence we are now forc'd to be at, will not bear the least Comparison.

After what has been said concerning the Conduct of *France* and its Infraction of former Treaties, it may very well be concluded, that if that which is now offer'd No Security offer'd by France. be not sufficient for the Security of the Allies, the Design is only to disarm them, and to put them out of a Condition to oppose themselves to new Usurpations. The only thing to be done therefore is to shew in particular the Injustice of the Offers of *France*, and how very wide they are from what the Allies may reasonably expect.

When I speak of the Conditions offer'd by *France*, I mean those which the Count d' *Avaux* propos'd in *Sueden*; for I do not conceive the least regard ought to be had to a Project of Peace lately come from *Suifferland*, or to some others that run about without Name, and without Authority, because they are not to be consider'd but as the Production of some particular Persons, who had a mind to see what Judgment the Publick would make of their Schemes.

To begin then with what regards the Empire, it must be granted, that it is its Interest rather to continue the War to the last Extremity, than to yield *Strasburg* to *France*. Indeed this Place being exactly well fortify'd, and of a great Circumference, having *Alsace* behind it, which is a Country fertile, and capable of entertaining at all times a numerous Army; and being situated in the middle of the *Rhine*, 'tis visible enough that 'tis quite of another Importance than *Friburg* and *Philipsburg*, which they offer for an Equivalent.

To speak the Truth, 'tis ridiculous to comprehend *Philipsburg* in this Equivalent; Philipsburg to be restor'd. for by what Right doth *France*, pretend to dispose of a Place to which it hath no manner of Title, and to offer it in compensation to the Empire to which it doth without Controversy belong? I know very well, that the *French* besieg'd it, and took it in the Year 1688, but 'twas by the most palpable Injustice, and without having the least Pretence for a Rupture; and I must confess, That if it be lawful for Christians to usurp the Lands of their Neighbours whilst they repose themselves upon the Faith of Treaties, and after having possess'd their Places it be sufficient to restore some of them in order to keep the most important, then *France* may make a Merit of the Restitution of *Philipsburg*. But what Law, either Divine or Human, did ever authorize a Title of Acquisition so unjust? I may add, That *Philipsburg* without *Strasburg*, is of no Consideration, since it is a Place lock'd within the Land of the Empire, unhealthy by its Situation, and that cannot contain at most above a Garison of 3 or 4000 Men; whereas upon *Strasburg* alone depends the Preservation or Loss of three Circles of the Empire, to wit, *Suabia*, *Franconia*, and the Circle of the *Upper Rhine*, that is to say, a third part of *Germany*; for *France* having an easy Communication with *Strasburg* by the means of *Phaltzburg* and *Lorrain*, would be in possession of a Passage always open, and at the same time of a very considerable Place of Arms, and of a Magazine sufficient for the greatest Enterprizes.

Now the past Conduct of that Crown having shew'd us how much its Invasions Fr. Promises not to be rely'd on. ought to be apprehended even in the midst of Peace, I leave every one to judg whether upon the first Stir it could raise in the Empire, we should not see the *French* fall upon *Ulm*, all the Country being open from *Strasburg* quite to that Place; and if *France* were once Mistress of *Ulm*, which is at the Head of the *Danube*, very easy to fortify, and in the middle of a fertile Country, what would become of *Suabia*, *Franconia*, and all the *Upper Germany*? It must not be forgot here, that whatever Re-establishment may be pretended for the Duke of *Lorrain*, he must expect to see himself the Slave of *France*, if it keeps *Strasburg*. The *Suiffers* too are no less interested in the Restitution of this Place, which cuts off their Communication with *Germany* on the side of the *Upper Rhine*, and commands that River from *Basle* to *Philipsburg*. 'Tis true, the *French* offer to demolish the Works of *Huningen* and *Fort Louis*, which

are beyond the *Rhine* in regard to *France* : But who doth not see that this Offer only tends to pay Appearances to save Realities ? For if *France* keep the Works which it hath built on its own side, how can we hinder their raising again such Works as are under the Cannon of those which they still design to keep ? We know that they have Men ready, and would quickly find Mony and all other Necessaries for such a Work so that at most this would but be a Business of about six Months. Complaints would be made without doubt against this, as a formal Contravention to the Treaty. But this would not much trouble them ; and since it was not thought convenient to break with them when they possess'd themselves of *Strasburg*, much less would it be likely to be done upon such a Subject at this.

Equiva-
lents for
Strasburg.

France would have enter'd into the Equivalent for *Strasburg*, the Restitution it offers to make of *Mont-Royal* and *Tarbach* to be dismantled. But besides that it can have no pretence in the World to keep those Places, and that they are of no great Consequence to that Crown, because they are too remote, and a great deal beyond *Treves*, which must be restor'd to the Elector of that Name ; with what Confidence can Places belonging to the Elector of *Treves* be propos'd to the Empire in compensation for *Strasburg* ? The Business is to secure *Franconia* and *Swabia*, which the yielding of *Strasburg* would expose to certain Ruin ; and *France* offers to demolish two Places upon the *Moselle*, which it has no Right to keep, and which would signify very little to the *French* : for in keeping, as they pretend to do, *Luxemburgh*, *Saar-Louis*, *Homburg*, and *Bitch*, and remaining in possession of *Tbionville* that commands the *Moselle*, they will be Masters of all the Electorate of *Treves* as far as *Coblentz*, as soon as they shall think fit to renew the War.

All the Equivalent for *Strasburg* then, is reduc'd to *Friburg*, which was yielded to *France* by the Treaty of *Nimeguen*, and is offer'd to be restor'd in the Condition it is at present. But is there the least Comparison between *Strasburg* and a Place that is shut in with Mountains and Forests ? which too is of very little Consequence to *Germany*, because it cannot open the *French* a way to pierce further into the Country ; and during this War, it hath been enough to guard some Passes that are near it, to render it altogether unprofitable to our Enemies.

The Import-
tance of
Strasburg.

Strasburg is of such Importance to the Allies, that 'tis scarce possible to imagine an Equivalent that can procure them so great a Security as the Restitution of that Place would give them. 'Tis certain, that tho *France* could resolve to join *Brisac* to *Friburg*, it would yet be far enough from making a just Compensation.

Since then the Safety of *Germany* depends upon the Restitution of *Strasburg* ; that this Place doth, without Controversy, belong to the Empire ; that it hath not been yielded by any Treaty, and that *France* hath usurp'd it since the Peace of *Nimeguen*, in the most unjust manner in the World : 'Tis as clear as the day, that that Crown ought to restore it without any Regret, supposing it resolves no more to trouble the Repose of its Neighbours for the future.

French
Pretence
to keep
Strasburg.

I know very well, that the Count d' *Avaux* in the Memorial that he presented in *Sweden*, contends, That *Strasburg* is necessary for the Security of *France*, and that his Master ought not to be press'd to the Restitution of a Place that would make the Emperor in a condition to carry the War into that Country. But if it be necessary that some Body must run this Risque, is it not more reasonable that it should be rather the Authors of the Violence, than they that have suffer'd by it ? Is it not just, that it should rather be a Crown that hath so often attack'd its Neighbors without any Pretence, than Princes who have taken up Arms only for their lawful Defence ?

The Empe-
ror cannot
make Offen-
sive War.

But I must add, That *France* would still have a Frontier good enough not to apprehend any Invasion ; whereas, on the side of *Germany*, all is open from *Strasburg* to the *Danube*. Besides, an Offensive War is incompatible with the Constitution of the Empire ; because, to resolve upon it, there must be the Consent of many Princes, whose Interests are different, and among whom *France* hath always found means to make her self Friends. In fine, 'tis certain, that tho *Germany* were perfectly united, yet it must have, for the attacking of *France*, the Help of all those Princes who are Confederates in this present War ; and 'tis easily seen, that such a League would be morally impossible. The Necessity of Self-preservation, and the Sense of an impending Ruin, could scarce bring so many Sovereigns into the same Interests : And what Appearance is there, that they would enter into it again, barely out of a Motive of Revenge or Ambition ? But tho the Sovereigns should seem dispos'd, can it be thought that the People would contribute to it ? and that they would be brought to deprive themselves of the Sweets of Peace, and the Advantages

vantages of Commerce, to begin a War purely Offensive? Can we imagine, that they would consent to drain themselves by Taxes, who have born them hitherto only to save themselves and their Country from utter Ruin? It must be only Kings, who by a long Train of Violences are arrived to an arbitrary Power, that can promise themselves such Marks of Obedience from their Subjects: It must be only People who are under a Despotick Government, who can, without murmuring, suffer their Sovereign to reduce them to the last Extremities of Misery, in order to seize upon what doth not belong to him, and to render the Nation odious to its Neighbours by unjust Enterprizes; and by consequence, 'tis only *France* from whence we can expect such Projects, and we have all the reason in the World to believe, that 'tis in their Designs, if they refuse to restore those Places, that are necessary to execute them.

With regard to the *Reunited Provinces*, *France* offers to submit her self to the Decision of Commissioners, and to the Arbitrage of the Republick of *Venice*. But since it hath seiz'd upon them so unjustly, and by its own Authority, it ought to begin by Restitution, to put Things into their former state. 'Tis not just, that the Advantage of Possession should remain to those who have usurp'd it, it ought to return to those who have lost it by Tricks and Violence.

Arbitrators to decide Disputes.

To this I shall add, That I can never persuade my self, that *France* would submit to the Judgment of Arbitrators, if it should not be for her own Interest; or that she would make a Scruple of keeping a Country, which no body could force her to restore.

'Tis certain, that by making a Peace upon the Conditions that the *French* propose, they would be Masters of all the Places which cover the Fiefs that are reunited, which would by consequence be at their Discretion: and being then stronger, and more formidable than ever, they might keep those Fiefs without apprehending that any would dare to begin the War, to oblige them to Restitution.

Disadvantages of making Peace on the French Proposals.

It would be no more difficult for them, a second time to dispossess the Duke of *Lorraine*; for who would take Arms for the Interests of that Prince? Would the Empire? But the *French*, by passing the *Rhine* at *Strasburg*, would be able to carry the War into the Heart of *Germany*. Would *Spain*, or *Holland*? But would they have Courage to declare against a Power which is capable of resisting so many Allies? 'Tis visible, that if by the Treaty of Peace the *French* keep *Luxemburg*, *Brisac*, *Huningen*, *Phaltzburg*, *Strasburg*, *Fort-Louis*, and *Landau*, the Country they would restore to the Duke of *Lorraine*, would be inclos'd in their own, and by consequence at their disposal.

D. of Lorraine's Interest considered.

And yet they push their Pretensions further: They would keep *Saar-Louis*, *Bitch*, *Homburg* and *Longuy*, which are the only Places that would remain to the Duke for the Security of his Person; and they renounce the *Four Ways* of half a League in breadth, stipulated by the fourteenth Article of the Treaty of *Nimeguen*, no otherwise but by reserving a free Passage for their Troops thro *Lorraine*. But they have their Reasons for this manner of Proceeding: They may have a mind to make a new Invasion upon the Empire, or the *Low-Countries*; and it would be their Interest to leave nothing behind them, and then the Duke of *Lorraine* is dispossessed again, and may be oblig'd to give up his Country for Lands of a like value in the Centre of the Kingdom.

'Tis in vain that *France* should found it self upon the Treaty of *Nimeguen* for what respects *Lorraine*, because the late Duke never accepted the Offers that were made him by this Treaty; and *France* having violated it in so odious a manner, ought not to be admitted to draw any Advantage from it. It is yet more ridiculous to alledg the Treaties which they made the old Duke of *Lorraine*, *Charles III.* sign, while he was possess'd with an implacable Hatred against his Relations, and blinded by his foolish Amours; those Treaties cannot be to the prejudice of the present Duke, who demands to be re-establish'd in the Possessions of his Ancestors which lawfully belong to him.

France offers to the *Electoꝛ Palatine* what it has taken from him during this War. But what will it restore to that Prince? Heaps of Ashes for strong and rich Cities, horrid Desarts for a Country fertile and well cultivated; and instead of Subjects whom Industry and Commerce had enrich'd, an infinite Number of poor Wretches, who must be a Charge to their Sovereign, and force him of necessity to support them in their Misery. Is it just that after having carry'd Fire and Sword thro all the Country of this *Electoꝛ*, without having the least pretence for that Cru-

Offers of France to the Electoꝛ Palatine.

elty, there should be no Thoughts of any Satisfaction for so considerable Losses? But we shall cease to wonder at it, if we consider that at a time when 'tis so much the Interest of *France* to manage the King of *Sweden*, who is acknowledg'd as Mediator by all the Parties interested in the War, the *French* King not only offers him the Dutchy of *Deux Ponts*, without giving any account of the Revenues he has drawn from it during its Usurpation, but also continues to ruin that Dutchy by Extortions, which will for a great while render it unprofitable to the Prince to whom he ought to restore it.

The Renunciation of the pretended Rights of the Dutchess of *Orleans* upon the *Palatinate*, ought to be accounted for nothing. For since *France* hath insisted upon them, tho they had been renounc'd by the Contract of Marriage with that Princess, and by the Acquittance they gave of the Payment of her Portion, 'tis certain that a second Renunciation would not be more inviolable than the former. I might prove that the *Palatine* Princesses have no Pretensions upon the States of their Family, nor upon what depends on them, as long as there are *Palatine* Princes and Dukes of *Bavaria* in the World, because the one and the other descend from *Stephen* Count *Palatine* of the *Rhine*, Author of a famous Constitution in this behalf, which hath been constantly observ'd ever since in that Family. But 'tis not my Design to ingage in a Dispute, that would carry me too far from my present Business.

With regard to the Duke of *Savoy*, I shall content my self by saying, that if the Allies will keep a Prince in their Interests, who has so generously imbrac'd them, 'tis but just that besides the Restitution of what he has lost, they should procure him the Surrender of *Pignerol*; because if *France* keep that Place, she will be sure to hold that Duke in an intire Dependence.

Offers to the Elector of Bavaria. *France* offers to renounce its Pretensions to the *Low Countries*, in favour of the Elector of *Bavaria*, upon condition that the Emperor do the same on his part: But we are not to build upon any thing that is call'd Renunciation or Promise; we must talk only of Restitution. I had rather *France* would restore us some, than promise us all. We know very well, that that Crown which hath broken all precedent Treaties when its Interest requir'd it, will not change its Maxims if we conclude a Peace, that should leave it in a Condition to attempt what it pleases. And since we cannot find Guarantees capable of punishing it for its Infractions, nor Oaths more sacred than those it hath already violated, 'tis plain, that there is but one way of convincing us of the Sincerity of its Intentions, and that is, to make us a Barrier in the *Low-Countries*, and upon the *Rhine*, that may prevent all our Fears. If it consent to that, the Peace may be quickly made; if it refuse, there is no Safety for us, but in the continuing of the War.

The same thing may be said, in regard of the renouncing the Succession to the Kingdom of *Spain*. That of the late Queen was as solemn as could be wish'd, it was confirm'd by Oath, it was made, not by the Queen alone, but by the King her Husband, for himself and Successors; and yet they would now declare it null and void, under pretence that it was not in the Power of the late Queen to do it in prejudice to the *Dauphin*: and therefore we may assure our selves, that tho the King of *France* and the *Dauphin* should now consent to a new Renunciation, it would signify just nothing, without obtaining such Restitutions as should put it out of their Power to break their Words.

Offers to the King of Spain. As to what regards the King of *Spain*, *France* consents to restore him all that she hath taken in *Catalonia*; and indeed, it is not so much their Interest to keep their Conquests on that side. Their principal Design is to make themselves Masters of the *Low-Countries*; and 'tis for that reason, that they will not consent to make us a Barrier there sufficient to secure us, but limit their Offers to the Restitution of *Mons*, *Namure* and *Charleroy*.

Luxemburg of great consequence. I do not see what Reason that Crown can alledg for the keeping of *Luxemburg*, a Place which indisputably belongs to *Spain*, and which *France* seiz'd on by open Force since the Treaty of *Nimeguen*, that is to say, in full Peace, and by the most barefac'd Violence in the World. Will they say, that this important Place was yielded them at least for twenty years by the Truce? But there is a great deal of difference between a forc'd and provisional Cession, and a free and perpetual one: Besides, *France* having violated the Treaty of Truce, should not in reason be permitted to enjoy any thing from it. Will they say, That *Luxemburg* is necessary for them, for the Security of their Frontier? This they are asham'd to plead, since in the last War they could not break into *France* that way, tho it were then in the Hands

Hands of Spain. In effect, France having *Thionville* to cover the *Moselle*; *Verdun* and *Sedan* to cover the *Meuse*; *Longuy* and *Montmedy* between those two Rivers; and *Metz* more within, to serve for a Place of Rendezvous; 'tis evident, that it is in no Apprehensions from any thing of this nature: and therefore, if they will be sincere, they must confess, that they will keep *Luxemburg*, because it covers the Electorates of *Treves* and *Cologne*, the Dutchies of *Juliers* and *Limburg*, and a part of the Bishoprick of *Liege*; because it gives 'em a great Circuit of Ground; and because its Situation is such, that it facilitates the Succors which the *Low-Countries* might receive from *Germany*. One may truly say, that the Dutchy of *Luxemburg* is more important to the King of Spain, than half the *Low-Countries*; and it cannot be imagin'd, that France is sincere in the Offers of Peace, when in so capital an Article it says nothing of Restitution, no not so much as of an Equivalent.

They do consent, indeed, to give one to the Bishop of *Liege*, in the open Country of *Luxemburg*, for the Cities of *Dinant* and *Bouillon*. But how can they offer for two such important Places, only a part of an open Country, which too belongs to the King of Spain? Besides, by the Treaty of *Nimeguen*, France engag'd it self to restore *Dinant*, upon condition that *Charlemont* should be yielded up to that Crown. This Condition was perform'd; and yet it did not hinder the French from keeping both the one and other. They cannot therefore now refuse to restore *Dinant*, after having detain'd it so unjustly: and if they pretend to keep it by a Treaty of Peace, it cannot be but with the Design to remain Masters of the *Meuse*, and to besiege *Namure*, when the Conjunction will permit.

'Tis out of all dispute, that to give us any sort of Security on that side, we must have a double, and even a triple Barrier; or else the taking of *Namure*, or that of *Mons*, will carry the Enemy again into the Heart of the *Low-Countries*, and make the Conquest of them only the more easy. We have seen the French take those two Places in a time when we had considerable Armies in *Brabant*, and when Diversions were made in our favour on the side of *Germany*, *Italy* and *Catalonia*. How then would it be possible to save them if France should make a new Rupture, after it had disarm'd the Allies by a Treaty of Peace? We may assure our selves, that after the manner they now attack Places, one single Campaign would be enough to render the Loss of the *Low-Countries* inevitable, and that the French would be Masters of them, before the League (which must be form'd to make Head against them) could be in a Condition to resist them. 'Tis therefore absolutely necessary, that *Mons* and *Namure* be cover'd by other Places, that may sustain the first Efforts of France: and after the Experience we have had of the Forces of that Crown, we must see that there ought to be a better Barrier for the *Low-Countries*, than that which was fix'd on by the Treaty of *Nimeguen*.

I shall not insist upon the Conditions that are offer'd to *England* and *Holland*, because they consist only in the renewing of the Treaties of Commerce; I shall only say, that the great Interest of these two Nations is, the Re-establishment of a good Barrier in *Flanders* and *Brabant*. 'Tis a Truth of which none can doubt, that the Conquest of the *Low Countries* would put France into a Condition of giving Laws to all Europe; and 'tis another Truth, that is no less evident, that nothing can hinder the French from making this Conquest upon the first Occasion, if we accept of the Conditions of Peace which they now offer us. The greatest of our Interests then is here concern'd, lest France's being in possession of the Ports of the *Spanish Netherlands*, and keeping the *Hollanders* in Slavery, or at least in an indispensable Necessity of remaining in a good Union with that Crown, the French should become absolute Masters of our Commerce; lest they should oppress *Germany*, *Spain* and *Italy*; whilst we being shut up in our Island, and out of all Communication with the Continent, should be Spectators of that Revolution, without being able to hinder it.

'Tis visible therefore, that the Safety of *England* depends upon the Preservation of the *Low Countries*. But what shall we say of the Glory of the Nation? 'Tis certain, that if we procure an advantageous Peace for the Allies, by continuing the War with the same Vigour that we have shewn hitherto, *England* will have the Honour of having sav'd Europe from Chains, and will remain the Arbiter of its Destiny.

'Tis

*A Ballance
to be made
betwixt
France and
the House
of Austria.*

'Tis the general Interest of all *Christendom* to resettle the House of *Austria* in a sort of Equality with *France*. This Equilibrium is necessary for the Security of the People, and even for that of the Sovereigns too. But 'tis the particular Interest of *England* to re-establish this Equality, that she may have the Ballance in her hand, and turn it to which side she pleases. This is the only means we can make use of, not only to maintain the Empire of the Sea, which we have regain'd the possession of in so glorious a manner, but even to enable us to decide the Success of Wars, and the Conditions of Treaties for the future. The Nation begins already to recover in *Europe* the Rank which she ought to hold. Our Fleets are Mistresses of the two Seas, the Security of our Commerce is perfectly re-establish'd, we have seen the *French* reduc'd to a necessity of letting their Maritime Towns in the Ocean be burnt, while their Fleet is shut up, and at it were imprison'd in a Port of the *Mediterranean*, to avoid the being attack'd by ours. We have begun to stop the Progress of their Arms in the *Low-Countries*; and the taking of *Huy* is not of so little Importance, but that it opens a way to greater Conquests, in giving us Opportunity to draw off a great part of our Garisons from *Liege* and *Maestricht*. Besides, we may without Flattery say, that we have a numerous Army upon the *Rhine*, and may expect great things from the Prince that commands it. The Duke of *Savoy* will be able to make a more considerable Diversion on that side, than he hath hitherto done, because he will act in concert with our Fleet; and 'tis to be hop'd that the *Turks*, discourag'd by their Losses, and being convinc'd that *France* will sacrifice them, will at length, by making an Accommodation with the Emperor, prevent the Danger they would be in, if they should be the last in making a Peace. Add to all this, the Extremity to which *France* finds her self now reduc'd: they are forc'd to abandon to us the two Seas; they are under an Impossibility of augmenting their Forces by Land; their Commerce is absolutely ruin'd, their Subjects discontented, and their Troops ill paid. In a word, if the Allies will but make the best of this Conjunction, it seems most certain, that they must quickly obtain reasonable Conditions of Peace, and that *Europe* may thereby enjoy a solid and a durable Repose.

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*In a vigorous Prosecution of the War against France;
and serving King WILLIAM and Queen MARY,
and acknowledging their Right.*

WHEN I find those very Men, who, in former Reigns, had sacrific'd our religious and civil Rights to the Pleasures of their Princes, or Humors of a governing Party, now to set up for Patriots, in opposing, or undervaluing one of the best Princes that ever sat on the *English* Throne; Indignation, if not the Love of my Country, were enough to make me write.

*Murmurers
against
Taxes cen-
sur'd.*

Who, says the wise Satyrist, could endure the *Gracchi* talking against Sedition? And what true *Englishman* can with Patience hear them declaim against Taxes for carrying on the War against *France*, who were eager to give what the Court could ask, in a War against Protestants? Who encourag'd and conniv'd at the late King's arbitrary seizing the Customs, and would rather we should be at the Mercy of

France,

France, to take all if it pleases, than to part with what bears no proportion to the vast Benefit which we have, in the Security of our Religion, Estates and Lives, from the Barbarity of an inhuman Enemy: Who may be very good Companions for those well-bred Gentlemen who are so fond of them, but would be ill Masters of *England*.

Shall those Men complain, that *English* Blood or Treasure is spent in so necessary a War, who were accessory to the solemn Murders in form of Law of the best and noblest of the *English* Nation? Such as would gladly have dy'd in that Cause, which our degenerate *English* men now start from. Murmurers against the War.

Is not Danger in the Field much more desirable than to be at the mark of a bloody ruling Party, who after their breaking in upon the City of *London's* Liberty of electing Sheriffs, could never miss of having any Man's Life in their Power, nor ever spar'd where they thought it their Interest to destroy?

Shall those Men, who by Surrenders of Charters, and other sordid Compliances prostituted the Constitution of the *English* Monarchy to the Papists behind the Court-Curtain, deny the Right of their present Majesties, and set themselves against the passing any Law which may oblige Men to acknowledg their Right, out of pretended Zeal for the Constitution?

Shall these Men hope to convince the World, or do they themselves believe, that the Constitution places all Authority unalterably in the first upon the Royal Line, without any regard to Laws? If it be so, what make they of the Constitution itself? How did any become lawful Governors? And how came it to pass, that the pretended Martyrs for a false Loyalty, refus'd to give the late * King any assurance that they would adhere to him? And that, upon our present King's advancing towards *London*, they invited him to the Administration, before the late King left *England*? Did they make no Scruple to turn him out of the Government; and yet, after others are settled, are they troubl'd with Qualms of Conscience about the former Right? Is it tolerable for them to say, they would not have had his present Majesty King, when they had assisted so truly to unking the other; and no real Medium was left, but King *William* or a Commonwealth? Non-Furors refus'd to sign a Declaration of Abhorrence.

But can they pretend Conscience, who have none against Pensions and Places from a Government, the Right of which they disown? And they above all, who not only declare against the Right of those Princes to whom they have sworn Allegiance, but after enriching themselves beyond measure, in Offices of the greatest Trust under them, have betray'd their Trust so manifestly, that there is hardly any body now who does not see it? The notorious and publick Marks of which Treachery may be so trac'd step by step, and set in so true a light, that no body who is not a party with them, or judicially blinded, should question it. Conscience a false Pretence.

I must needs say, if such there are in the world, who have read Scripture and History to that great advantage, and so good purpose, as to apply to his Majesty what is spoken of a forc'd Submission, saying, *We submitted to him in the day of his Power*; or what some Historians speak of *H. 4's* Scruple, when he had lost his Senses, about his suppos'd Usurpation: Such must be thought, like Men of Honour, to have given fair warning of what were to be expected from them.

But if his Majesty has run the hazard of losing the Affections of his best Subjects, by that only fault of being too good to his Enemies; who can doubt, but he who has ventur'd so much and done such great things for the good of the Nation, will do this one thing only, yet to be desir'd, which is, to take from his Enemies the opportunities of betraying him? The King too good to his Enemies.

At his first landing the Serpents lay expiring under his feet; but his Goodness, which like the Sun communicated warmth to all, gave them new life and power to sting. How happy a thing is it, that they have shewn so much of their Natures! Had they been less open, they might still have upholden that Credit which the pretence of Zeal for the Church and the Monarchy had buoy'd up so long, and we still been wasting in a lingring War with *France*; which by vigorous and speedy Supplies, honestly manag'd, may soon be ended to the Glory both of Prince and People.

It was observ'd of the old *Romans*, that they were the more formidable by their Losses to the *Carthaginians*: which made them more united at home, more active against the Enemy, and careful to find out Persons able to serve the Commonwealth.

* Vid. the Paper which he press'd the Bishops to sign, to assure him and the Nation, that they were not for the Prince of Orange.

The Church
a great
Pretence.

Nor can we expect less from the Wisdom and Resolution of the *English* Nation, which will own the King's Title, and serve him, without respect to a few Men who have no Power in *England* but from the King. They pretend indeed to be Pillars of the Church, while they are undermining its Foundations, and would make the Church of an inconsiderable divided Party, Dissenters from the true Church of *England*, the best of the Nobility and Gentry, and the whole Body of the People; who are intirely for his Majesty, as he has redeem'd them from Popery, against which the Church of *England* has long been a known Bulwark.

They talk high for Monarchy, but are not for the *English* Monarchy or King; and conjure up the Phantasm of a Commonwealth, to divert the Apprehensions of the Power of *France*. Nothing but the worst Ministry ever made a Commonwealth tolerable in *England*; nor has the Notion of it been rais'd of late for any better purpose, than the discrediting them who are not for the Government of the late King and the *French*.

False Pre-
tences us'd.

They who have labour'd under that Imputation, are the Men who declar'd for their present Majesties, when the others would have *K. William* only a Regent, a Protector of a Commonwealth, or Officer under *K. James* during his pleasure; or rather under them, till their turn were serv'd; without any sense of Gratitude for the Deliverance wrought for 'em.

The King's
personal
Bravery.

While our blind Zealots for Monarchy shew, that *K. James* and the *French* King are the only Monarchs they would serve; Interest, as well as Inclination and Duty, carry the suppos'd Commonwealths-men to do their utmost for a Prince, who revives to them the Memory of the best of those Kings who have headed *English* Armies abroad.

When they consider how much this King does in his own Person, beyond any Example of this Age, unless of the Great *Gustavus*, who rais'd and supported the Protestant Interest in *Germany*; how truly he makes good the Character of his illustrious Family, in being the Deliverer of oppress'd Nations; how well he performs his part, how much soever his Affairs are clog'd at home; with what Wisdom he unites and keeps together the Confederates against the Disturber of the Peace of *Christendom*; what Life he gives to their Troops, and what real Advantages he causes them to obtain, not suffering *Flanders* to be over-run by so powerful an Army of Soldiers long train'd up to War, under the same Discipline, animated by the Examples of the Flower of their Nobility and Gentry: these suppos'd Commonwealths-men are ready with their Estates and Persons to make war in good earnest, and put the *French* under a necessity of waiting upon our Designs, and not we upon theirs; and of disgorging their Usurpations upon our Allies, if they will preserve what more truly belongs to them.

I well know, some there are, who, as they desire we should fall by our selves, suggest that we may stand so; that our Navy may guard our Coasts against Invasions; or our Militia and other Forces at home may be enough to preserve us if Enemies land.

These Men cannot but own, that it is much better for *England* to be at Charges in keeping the Enemy at a distance, than to be the Seat of War; and that if any one of those Allies, whom they undervalue, join'd with *France*, it were such an accession to its Power, as the *French* Party here would be very glad of: nor is there any one of them, who would not in such case be as much magnified by that Party, as now they are lessen'd.

The formi-
dable
Power of
France.

But it is evident, that if the *French* should swallow *Flanders* (which they had certainly done before now, if it had not been for the Confederacy) *Holland*, which has lately set us so good an Example since the Battel of *Landen*, must necessarily truckle, and their Navy be at the command of *France*. And how could we expect a Fleet able to secure us against both, when hitherto we and *Holland* in conjunction, have done so little against the Naval Force of *France*? excepting that memorable time, when Admiral *Russel* (whose Victory was by some Men held a crime) to his eternal Honor and Glory, so well maintain'd the Reputation of the *English* Nation.

If *France* had no Enemy but *England*, and were at liberty to employ against it all their Armies in *Flanders*, upon the *Rhine*, in *Piedmont*, in *Catalonia*, and in their Garisons (which together amount to near 400000 Men) while so many here shew themselves ready to declare for them; what could *England* hope for, but to be a Field of Blood? And how could we think that the *French* Swords would be sheath'd, while there were one Protestant remaining? Nay, when we consider how barbarously they use the People whom they subdue, tho of their own Religion, with-

without regard to religious Houses or Churches, or the Sepulchers of Princes; we may believe, that the *English* Papists would find little better quarter than others. They who have had such fatal proofs of the *English* Valor and Enmity to them, would take care never more to be in fear of their antient Enemies; nor is it to be thought, that any thing less than our total Extirpation would satisfy 'em.

When on the other side we consider, that notwithstanding all the Treachery of those among us, who by all manner of Ties have been oblig'd to do their utmost against *France*; notwithstanding the Union and Fidelity in that King's Counsels, and his greatest Efforts which he design'd should be decisive this last year; yet our King has stopt the Progress of his Arms, and given that Reputation to the Confederates, that where he is in Person *France* will never attack them without double their number; What less can be expected from the Gratitude and Affection of a brave People to so great a Prince, but that they will put him into a Capacity to meet the *French* with equal Numbers, which is to be assuredly the Arbiter of a secure and honorable Peace; and that the more glorious, by how many the greater Difficulties the Treachery of his pretended Friends has oblig'd him to struggle with?

How impatiently did this Nation bear the private caballing Designs of former Kings, which have kept them in against *France*? What is it that they more coveted for this last Age, than to have a Prince firm, beyond all possibility of doubt, in the Nation's quarrel; and who would be sure to endeavour to chuse such under him as would second, if not promote the universal Bent and Desire of his People?

King *Jugurtha* in antient times was known with Presents to have corrupted the greatest part of the Council of *Rome*, and to have kept them from assisting their Friend and Ally, when a vigorous War had been for their Honor and Interest: Nor did that bribing King ever think in good earnest of submitting himself, till *Metellus*, a Man of known Prudence, Courage and Integrity, was at the Head of Affairs.

Nor can we hope to bring *France* to Reason by *French* Pensioners, if any such there be. We may learn from their faithful Historian *Philip de Comines*, that *French* Money us'd to be very current in the *English* Nation: It is not for me to say it has had any influence of late. But I may say, there has been such a Chain of Treachery somewhere, that every step looks as if the Measures were taken from *France*. Yet all the Corruption to be fear'd is not only from Money; for ill Habits, Natures or Principles do equally corrupt and turn Men from the Service of this Government.

I must needs think it no undue Censure to say, that no Man who understands the Constitution of this Monarchy can be against the present Government out of Principle: For whoever questions the Right of it, either has not us'd due means of informing himself how fully the Settlement is warranted by the Constitution, or has that want of Judgment, which makes him a Dependent upon the Judgment of others; and the Practice of them who give rules to the unthinking Vulgar, has been so inconsistent with it self, as well as with their profess'd Principles, that they must be ashamed of pretending to any thing but Obstinacy, and deserve the same credit with the *French* King, when with his Fleet upon our Coasts he so graciously declar'd for the Church of *England*.

As to them who come into the Government, and yet deny its Right, or place it upon such an uncertain bottom as is a virtual Denial of it, whether Conquest or such a Providence as gives one's Purse to a Robber; it must be said, that we find not this flying Party the same Men in one Station that they are in another.

But whatever Party they are of, thro whose Hands the Administration has pass'd, they ought to remember that old Sying, *The Publick Affairs will not be ill administered*. In this case bare Indiscretion, or Inadvertency, or want of Intelligence, is a crime of a high nature. And if any Man has arriv'd to that height, to own himself the occasion of laying aside a Victorious Admiral, because he has been against him in the House of Commons, this would be to assume more than Regal Power; and such Insolence, if there were no more in it, would deserve equal Punishment with the most notorious Treachery.

But if any in the Government have held out a Flag of Truce to its Enemies; if being against the Right of their Majesties, has with them been a Recommendation to Preferment, and Zeal for their Right a Cause of Disgrace; what in others might pass only for Mismanagement, cannot but be judg'd Treachery in them.

Whatever is given under the Management of Men of another Allegiance, is but providing Cannon to be turn'd upon our selves. But when Men are assur'd that they who hold their present Majesties to be our lawful and rightful King and Queen (which is the true Test of Loyalty) shall be the only Persons entrusted under them

with the Administration : Who is he that wishes well to *England*, that will not cheerfully contribute to his power, for the maintaining the Right of a Prince, without whom we cannot hope to be long a People ?

They who have asserted his Right from the first Settlement of it, as they have therein renounc'd the late King, we may be sure can have no Merit to plead upon another Change ; nor will they act to their own apparent ruin, and hold the Bason at the cutting of their own Throats.

Others, tho they cannot long enjoy their Crimes, may fancy, that what they have done for a *French* Tyranny, and their fitness to be Instruments of it, may continue to them the Advantages they are now possess'd of ; or at least they may be assur'd of the ill-natur'd Satisfaction of seeing those whom they have long traml'd on, destroy'd before them.

Unaccount-
tableness of
Protestants
being a-
gainst the
Govern-
ment.

And indeed, were it not for the inhuman Pleasure of Malice and Envy, it were impossible that Protestants, and they men at ease in their Fortunes, should engage in Plots against a Government, which is the only Security of their Religion and Estates. And the Good of *England* is so bound up in the Life of his Majesty, that it can hardly be thought that numbers of any Party should engage against him. The Papists themselves owe to him that Protection and Security, which King *James* could not have given them, besides the Restitution of those fundamental Laws, in the defence of which their Forefathers had signaliz'd themselves ; when they so truly distinguish'd between the Church of *Rome* and the Court of *Rome*, and thought themselves very good Catholics when they maintain'd their Liberties, by resisting the Usurpations of Popes and of Princes, as no part of God's Ordinances. The High-Church and Passive Obedience-men were perhaps the most sensible of the Mischief of the late Reign, as they found such advances towards turning them out of all Offices in Church and State ; and their most celebrated Heads had, while under that sense, in their Proposals to K. *James*, their Refusal to sign an Abhorrence of any Design against him, their closing with the Deliverance, if not inviting the Deliverer, and joining to put him into possession of the Power of the Nation, acted so contrary to all their former Proceedings, that one would have thought they had all of a sudden become *English*-men, and would have vindicated the *Reformation* from the reproach under which it has suffer'd ; as if we lost in Civil Rights while we gain'd in Spiritual, and that to be true Christians, we were to lay all our worldly Goods at the feet of our Princes, that they might distribute them among the Successors of the Apostles.

Moderate
Church-
Party.

The moderate true Church Party could not but rejoice to find such a return of their Endeavours, in the Settlement of the Government upon a bottom, for which they had ventur'd so far and so long to no purpose. But if any of them, who have suffer'd in the Publick Cause, or sympathiz'd with them that did, now fall off from a Settlement, call'd for by the Voice of the People and the Necessities of the Publick ; what do they but condemn themselves, or those their Friends, who by their laudable Endeavours for the *Bill of Exclusion*, shew'd that their Religion was more Sacred to them, than the suppos'd *Divine Right* of Succession vested in a Popish Prince ? But if such men desert this Government, the Blood of the Lord *Russel*, Colonel *Sidney*, Sir *Thomas Armstrong*, Alderman *Cornish*, and many other Sufferers for the Publick, will in great measure lie at their door, as Accessories *ex post facto* to their Murders, and Partakers of the Crime : With whatever pomp they adorn their Sepulchers, what do they but pay Honor to the Memories of *Jefferies*, and of those willing Jurymen, who helpt to dispatch so many Traitors to God and their King ?

Jacobites
more unex-
cusable than
the Papists.

But certainly it would be very strange if any of them, who have so justly exploded the Doctrine of the Bowstring, should become Profelites to it ; and if any one of their Spiritual Guides should now be for K. *James* or K. *Lewis*, I should think him worse than Father *Peters*, who may be said to have acted with uniformity to a Principle, when such Men must be destitute of all colour for their Actions, and indeed of common Sense ; unless they can think to bring back K. *James* without French Forces, or to restrain those Insolences, which the French Faction would give them opportunity to commit. Should they think to supplant this Government, and set up another without such help, the Vanity and Madnes were past cure or pity : nor, considering the Power of *France*, and how little Virtue is left in those who should take care for the Nation, can *English*-men see any anchor for their Hopes and Expectations of Good to the Publick, but in King *William*.

Is there any man who, tho he set out well, is weary of the race of Glory ; not finding the Reward due to his Merit, or not enough to satisfy a boundless Ambition ?

Let

Let him consider how many, like the *Philenian Brethren* of old, contentedly suffer'd themselves to be buried alive, to maintain the Boundaries of their Country; and that Perseverance in a good Cause gives a pleasure equal to the greatest Rewards, and is more honorable than the highest Promotion.

Let him not envy those Men whose Rise has been a publick Calamity, but those ^{Volunteers} Volunteers in the Cause of God, their King and Country, whom Constancy and the ^{in the good} general Voice advance to the Notice of their Prince. Can it be thought, that when he comes to know what Men have adher'd to their Country's Cause in the worst of Times, and what Men serv'd for the sake of that with the hazard of their Lives and Fortunes; that this great Mind will leave it in the power of some few to keep such Men down by their Misrepresentations? When he knows, that these might have been as great as their Expectations or Desires, if they would have join'd with the Enemies to the *English* Liberties; who can believe, that he who refus'd to invade the Liberties of *Holland*, when *France* and *England* tempted him with a Crown and a *Carte Blanche*, will not reward such Vertue wherever he finds it?

Courage is, if not the Source, at least the Sign of all other Vertues, in Princes ^{Courage} especially; nor can a Nation ever apprehend an Invasion of their Liberties, but ^{how neces-} from pusillanimous Princes, whose Fears make them grasp at false Securities, instead ^{sary a Ver-} of what they might be certain of, in the Prosperity and Affection of their Subjects. They who read the History of this Kingdom, and mark the Characters of those Princes who have been encompass'd with Armies of Mercenaries at home, and them who have headed the *English* abroad, may be satisfied, that Examples to warrant this Observation need not be fetch'd from foreign Countries.

And as we have reason to believe, that our King can desire nothing more than the ^{The King} Good of his People, we ought, as we love our Country, every one according to his ^{has no other} Station and Capacity, to contribute our Endeavours, that *England* may not be ^{End than} wanting to it self, or in gratitude to him. And indeed it must be said, it has had ^{the Good of} so few good Princes, that it has always till now acted as in a transport upon the very Expectation of such an one; nor need we go farther back for an Instance than to the beginning of the last Reign.

Certain it is, our King has no Quarrel to revenge upon his People, and has manifested that Disposition to unite all Parties and Interests against the common Enemy; which if King *James* had in the least inclin'd to, all the Blood and Treasure which has been spent in this necessary War, would have been spar'd, and *Christendom* might have enjoy'd that settled Peace, which can be expected from nothing, under God, but King *William's* Arms.

Let it never be said, that we have neglected an Opportunity, for the use of which late Posterity will praise us, as otherwise they will curse us for transmitting *French* Slavery to them.

Whoever will come into the Standard, perhaps the last that will be set up against ^{An Enemy} *France*, is to be embrac'd as a Friend to *England*. But many, it must be confess'd, ^{to France is} ought to go thro a state of Trial, before they be receiv'd into any Place of Trust. ^{a Friend to} The most gentle, the most safe (like the Military Sacrament among the *Romans*) must needs be an Oath of Fidelity to their present Majesties: Not an Oath, which either can bear a doubtful Interpretation, or at least has been interpreted into Air, by Men who seem to think, that as long as they do not in words acknowledg the Right of their present Majesties, there can be no Perjury by Implication; but such an Oath as may rise in judgment, even in this World, against every body who shall act any thing against the Right of their Majesties: An Oath which will leave no Loop-hole, and by which, as by the Word to an Army, we may know who and who are together.

It will never be well, till the Generality are engag'd to be for the Government in all Events. Some for certain there are, who have made themselves desperate in this Cause; and as they never thought of making Peace with the other side, are incapable of Pardon. They abhor a double Game, and leave it to others to be Heads of a Party which is against the Government, and to support its Enemies, under colour of getting into their Secrets, or bringing them over from their Principle or Faction. They give men Characters according as they find their Affections to the Publick, whatever their Carriage has been towards them; nor have they Friend or Enemy, but as they are for or against their Country; the Love of which, as *Cicero* well says, is above all other Loves.

They who would be Trimmers in this Cause, make it evident, they are for having ^{Who are} the Ship of State sink all at once: King *William's* and our Countries side can never ^{accounted} have ^{Trimmers.}

have too much weight against *France* and *Rome*. Nor how much soever some talk for the *English* Monarchy, can they reasonably expect to see it flourish, but under King *William*, or till his Wisdom and his Arms have left it secur'd to us.

I know it is difficult to make Men wise, when the Wit and Mony of *France* raise so much Art to impose upon them; yet this would be lost upon the generality of *Englishmen*, if all Disguises were thrown off, and they who are for *France* or King *James* would speak out. That well-meaning men may no longer be cheated by their false Appearances, it may be convenient to pull off their Masks and borrow'd Faces.

Jacobite
Disguises.

1. They are very copious upon the Theme of Taxes, and the exporting Mony to our Armies abroad, or to assist any of the Confederates; but chiefly upon the payment to the States of *Holland* for their Charges in the late Expedition. They would have it believ'd, that *France* would bring in a shorter Reckoning; and would rather have the Nation, like *Constantinople*, keep its Riches for a Prey to the Enemy, than give part to keep them out.

2. They to the prejudice of their Majesties, their Crown and Dignity, advance Subjects to be Heads of the Church of *England*. When a Man has once receiv'd that Unction, his Person is become sacred; and to suggest that such an one is treacherous, is matter of Excommunication. But who can with patience hear it said, in such a Man the Government loses or disoblige a whole Party? When, if the Party be for the Government, they will esteem no man longer than he can be thought true to it: If they be against it, kindness to any of them will but embolden the rest, and give them opportunities for Mischief. Who, when his House is beset with Thieves, finding some of them lurking within, instead of going to master them, will think to tempt them to his Defence against their Accomplices? They are too far engag'd with one another, to dare to be honest, till their whole Gang is, nor can they be reclaim'd by gentle Usage.

3. They have their known *Cant* and *Shibboleth*, to distinguish their Party from all others: [the Church] and [the King] are the words given among them to unite Papist and High-Church, Jacobite and Loyalist.

And they have a certain Anagram, which joins *Lewis* and *James*; but always preferring their old Master of *France*, witness the Health (*L I M P.*)

And well knowing that *England*, as the great Duke of *Roban* has rightly observ'd, cannot be destroy'd but by it self and its own inbred Diseases, they make and foment distemper'd Heats among us; which while they divide Protestants into different Clans and Interests, and while they make many Parties of them who should be but one or two at the most, they seem to wish us *Jerusalem's* Fate: But when the Enemy has a Party within our Gates, they who would be of no Party, at least are not against the Destruction of their Country.

Jacobites
Admirers
of France.

4. They magnify the Power of *France*, and the Advantage of its way of Government to make War or command Peace, and mightily lessen and reproach the Confederates; and that chiefly under a popular Mask of Zeal against Leagues with Popish Princes: which they, good Men! are so far from, that they are for submitting to the worst of them without Terms.

5. They insinuate, as if *England* bears the Charge of a needless War, to maintain the Dominion of a foreign Prince, not considering that the *Dutch* alone have in their pay 106540 Men, besides their allowing 25000 Guilders a month towards carrying on the War in *Piedmont*; and are so far from being discourag'd by the late Misfortunes from a vigorous Prosecution of the War, that they have added 15000 to their former Land-Forces, besides increasing their Navy.

The Importance
of
preserving
Flanders.

And it's a known Maxim, That the Preservation of *Flanders* is more for the Interest of *England*, than of *Spain*. If *Flanders* be an Accession to *France*, *Holland* must soon follow, and *England* next. They are like Nine-pins, the throwing down one carries the rest.

The Importance of *Flanders* is sufficiently confess'd by these Gentlemen, when they would have others believe there is a necessity of our truckling to *France* upon the taking a Town or two there, and yet they are for giving it all up: but any Man who has seen the noble Towns and large Country yet remaining, would think it very well worth the preserving. *Antwerp* it self, if it were in the French hands, would command the Trade of *Christendom*.

Insinuations
against
the Fr. Pro-
testants.

6. They are very invective against French Protestants among us, as promoting Schism, eating the Bread out of our mouths, and being Spies for *France*; as if they with'd them their Persecution again.

7. The *Dutch* they would render more dangerous than either of the *Turks*, because of the Strength of their Shipping, and their Rivalship with us in Trade; not considering how they themselves have helpt to raise *France* to be a match for us and *Holland*, and how likely it is, by the dividing either from the other, to swallow both: yet by open ill Usage, or a treacherous and fatal Friendship, they would drive the *Dutch* to take part against us. Against the Dutch.

8. They represent it dangerous to arm the Protestants in *England*, out of a pretended Fear of a Commonwealth; and in *Scotland* and *Ireland*, for fear the Church should be over-run with Protestants of all sorts; holding the *French* Power and Popery to be more remote Dangers, or more tolerable Evils. Against arming of Protestants.

9. They beyond measure magnify that Service the Dissenting Bishops did themselves, in appearing for *England* in their own defence; and improve that Surprise and Transport which the Nation was in, to see them once in their lives Protestants and *Englishmen*, without marks of distinction, into an awing the Government with an imaginary Reputation; the very ground of which fail'd, as soon as they fell off from the common Cause. Nor must they think it an easy thing to dispose this Nation to turn out a Protestant King, because they follow'd those Leaders, as they would any others against Popery. God be thank'd, we have a Prince who will not quit his Possession without bloody Shirts. They magnify the Dissenting Bishops.

They may have vanity enough to fancy that they made this Revolution, when they were no more than Flies upon the Wheel, which the Sufferings of Lord *Russel* and others first set a going. Their Commitment to the Tower, was but the last drop with which the Vessel ran over.

Yet if we reflect upon the Shares some of them had in laying or holding on that Burden, which the Nation was eager to throw off; we may own that they contributed to the Revolution, as Storms and Tempests do to clearing the Sky for fair Weather.

These, with a few hot-headed Lay-men, who have always us'd the Church for a Sanctuary and *Asylum*, set up for a Church by themselves, divided from the Body of the *English* Clergy as well as Laity, and standing between the Church of *England* and the Church of *Rome*.

Since there is no hope of the *Cassandrian* way for *Rome* to come to them, none is left but the *Laudæan* for them to advance towards *Rome*. And indeed it was very visible, that they were doing drudgery for the Papists in former Reigns, while they were labouring to keep the Church of *England* upon a bottom, which they neither design'd for National, or a means of uniting with Protestants of other Countries. The Laudæan way advanced.

Can their Reputations weigh in *England* against a Government founded in common Protestantism? or against the Reputations of those their Successors, whose Piety, Learning and Moderation, as they kept them from the highest Stations in the Church against the general Voice, at last promoted them with the Applause of all who wish well to *England*?

And tho our Archbishop wants the Advantage of an Education at *Rome* (which it seems the other has not had to no purpose) the greatest Bigots of the new Sect cannot imagine him short of their Head, in any real Ornament or Qualification. The ABp vindicated.

10. They, tho Masters of no Virtue, are so far from esteeming what the greatest Enemies abroad admire in our King, that they have the Insolence to speak unmanly of his Person; when they owe it to his Clemency, that they are not chastis'd for it by the Fury of the People. Their Insolence against the King.

11. They vilely insinuate, as if his Majesty were no Friend to the *English* Nation; which no man can do, without greatly undervaluing both Prince and People. If indeed the most were like themselves, or what they represent them, he would be under an unwelcome necessity of living as in a Country of Enemies, who would not have him reign over them. But certainly none but they, who are obstinately resolv'd against loving him, can apprehend the Hatred of a Prince, whose Goodness surprises his greatest Enemies; tho the Coals of Fire, which it heaps upon their Heads, do not melt them into any sense of Gratitude or Shame.

What follows? but that all true *Englishmen* standing upon their guard against these Wolves in Sheeps clothing, and against all who may at least be suspected of private ends; second the Intentions and Endeavours of a Prince, who cannot possibly be thought to have any Aim or Interest, but for the good of this Nation and Mankind in general.

Let us not fear the Power of *France*; like infectious Diseases it will come with a Fear, which debilitates and disables from Resistance.

Hannibal at the Gates, as it was us'd to frighten the Children of *Rome*, to the Men was a Call and Incitement to take care of the Publick Safety. Not to have despair'd of the Commonwealth when its Fortune seem'd most desperate, was as happy to them as it was glorious.

And should the Issue of opposing *France* be as dismal, as the most timorous or most designing pretend to foretel; it were better, that the last day of our being a free People, should overtake us doing our Duty and struggling against our Chains, than helping to put them on. And in truth, hardly any thing in this life can be a real Affliction, till Men begin to sink under the sense of having brought it upon themselves.

France's
Usage of
the Pro-
testants.

Those Protestants who hope to plead the Merit of voluntary Submissions and Services to *France*, would do well to consider how it has been with those of the same Religion there, who enabled their King so to use them.

And those miserable Towns and Cities, which thought by delivering up their Keys to secure their Houses, Estates, and Liberties, stand as so many fir'd Beacons, to stir up all Nations against them.

The Power
of France a
Punishment
to us for
advancing
it.

As the Power of *France* may be thought a Punishment upon our Accessions to it formerly, and present Divisions; when we repent of the past, and mend the present Cause of that Calamity, we may well think the Rod will be broken. Nor will *France* longer be a Scourge than we deserve it.

It is doubtless in our power to remove the moral and judicial Cause of our Fears: nor can we think that all those Ravages, Persecutions, Perfidies and Contempts of God and Man, shall long go without some remarkable Punishment. However, human Greatness has its limits and periods, and *France* seems to have seen its best days.

If we use the means to humble it, by uniting and exerting our Strength, when once we come to grapple with it, and give it one powerful shock; like a great Machine screw'd up to the height, it will never leave turning, till it comes to the bottom.

In which happy Day we shall no longer be troubled with the Scruples of the noisy Few, that hold off from this Government; or the Distinctions of the Many, who soon settled the point of accepting Preferments, but are yet to seek of Salvo's to the Reputation of a Party; which must change their Principles, and cease to be a known Party, to come to those Grounds upon which the Nation receiv'd their present Majesties for King and Queen, and that of Right.

An

*An ESSAY concerning Obedience to
the Supreme Powers, and the Duty
of Subjects in all Revolutions.*

With some CONSIDERATIONS touching the Pre- Printed in
sent Juncture of Affairs. 1694

The INTRODUCTION.

THE Design of these Sheets (which one would think should be no difficult Task) is to persuade People to act for the Good and Prosperity of the Community they are Members of, and in which their own is included; and to convince them, That it is their Duty as well as Interest, to bear true Faith and Allegiance to the present Government. Which Design, that I may the better perform, it will be necessary to premise somewhat about Government in general, and the Grounds and Measures of Obedience to it; by which I hope I shall be able to shew, What is the Duty of Subjects, not only in the present Juncture of Affairs, but in all Changes and Revolutions.

C H A P. I.

Of Government, and the Origin of it.

Government is, as it is usually defin'd, *The Care of other Peoples Safety*; which consists in protecting and securing them from being destroy'd or oppress'd by one another, as well as by Strangers; and redressing the Grievances of those that are injur'd, and preventing the like for the future, by punishing Offenders. In order to which, the Governor must have a Right to command the natural Force of those that expect his Protection, to enable him the better to put his Laws and Decrees in execution. Tho without Power Government cannot consist, yet Power and Government are not one and the same thing; a Man may be in the power of another, and yet not be govern'd by him: It is necessary that this Power be made use of for Protection, without which it is impossible to be protected; so that Protection and Government are the same thing: for where People are not protected, they are still in the state of Nature, and without Government. Power and Government differ.

It is Government alone that gives the Form, Life and Unity to a Civil Society or Body Politick, by which the several Members have their mutual Influence, Sympathy and Connection: so that to be a Member of a Civil Society, and to be under Government, is the same thing; and to be without Government, and to be in the state of Nature, are reciprocal and predicated of one another. None can pretend to be or claim any Civil Rights as a Member of a Society, without owning the actual Government that makes it a Society: and they that disown the Government of the Society they live in, do outlaw themselves, and virtually declare themselves no Members of it; because they have reduc'd themselves to a state of Nature, by disowning Govern-ment the life of Society.

owning there is among them a common Judg, who has a Right to decide their Controversies, and redress their Injuries, and in whose Determinations they are oblig'd to acquiesce.

God the
Author of
Govern-
ment.

God, who is the Author of every good thing, may be said in a more special manner to be so of Government, because it is absolutely necessary to the Well-being of Mankind; and he, by the Law of Nature, which obliges Mankind to act for their good, has instituted it, and has since by his Positive Law ratify'd and confirm'd it. Yet he did not constitute any particular Form of Government, but left Mankind at liberty to dispose of themselves, as they (when they instituted Societies) thought fit. God was so far from taking this Liberty from any Nation, that when he was pleas'd to take upon himself the Office of a King over his own People the Jews, he first requir'd their Consent; and a Contract between God and the People (as is plain by the 19th of *Exodus*) was the Foundation of the Theocracy. And since it is not by God's positive Law, that one Form of Government, rather than another, is any where establish'd, there can remain no other way by which any Government can be erected, or that one Man can have a Right to command over others, but by the Law of Nature, or by the Consent of the Parties concern'd. But there is no Law of Nature for any one Form of Government, so as to make the rest unlawful; or that one Person rather than another, should have the Sovereign Administration of Affairs: Nor can there be any one Law of Nature urg'd, why any particular Person should have a Power over so many Millions of different Families, with no manner of Relation and Dependence one upon another, and who are by Nature equal, being of the same Rank, promiscuously born to the same Advantages of Nature, and to the use of the same common Faculties: And therefore it remains, that Government must be deriv'd from Consent.

Object. *Men are not by Nature free, because they are born subject to their Parents (who by the Law of Nature have an Absolute Power over them) therefore they could not chuse Governors for themselves.*

Of Pater-
nal Power.

Ans. The Power that Parents have over their Children, does not extend to their Lives or Properties, or hinder them from being free, tho they were born in a condition which makes them for some time incapable to exercise their freedom. It is the Duty of those by whose means they come into the World, to take care and provide for them until they are able to provide for themselves; which Duty Parents cannot effectually discharge, except they have a Power to correct and manage them as they think fit.

Children are oblig'd to take the same Care for their Parents, if they chance by losing their Reason to fall into the same helpless Condition; which they cannot perform, except they have also in their turn a Power to govern them too, and even to use forcible Means when they think it necessary.

Whoever has the Charge of educating a Child, whether he be his Father or a Stranger, must have the same Power over him; and this a Child, tho an absolute King, must be forc'd to submit to. The Information of his Mind, the Health of his Body, and even the Necessities of Life, make it absolutely necessary: And if this be not inconsistent with Sovereign Power, much less is it with Freedom.

How one is
by Nature
free.

A Man may be said to be by Nature free as well as rational, tho he be not capable of exercising both until such an Age; and the same Age that sets him free from the Power of a Tutor, sets him free from the Power of his Parents, tho nothing can set him free from the Reverence (which is not inconsistent with the state of Freedom) which he must for ever owe them.

Paternal
Power af-
fects only
Children.

But that Filial Reverence does not give his Father or Mother (to whom by the Law of God and Nature he is oblig'd to pay equal Honour and Reverence) a Power over his Life and Properties, or any Jurisdiction over him: Whilst he is part of the Family, it is true he must be subject in Matters that concern the Family, because there can be but one Master in a Family. If Parents had an absolute Regal Power, all Civil Government would be unlawful, because it would deprive all Fathers of that Paternal Regal Power, which by the Law of Nature, which is superior to all human Laws, does, upon their having Children, become their Right; and which the Government could no more justly deprive them of, than of that Duty and Honour which Children by the same Law of Nature are oblig'd to pay them; and which too, if Government were nothing but Paternal Power, must belong to it. But if this Notion were true, this would not give Governors a Power over Parents themselves, or over those who have no Parents in being, because Paternal Power can affect none but Children: And the Supreme Magistrate who does not beget his Subjects,

Subjects, can have no natural nor any other Right to it, but as it is convey'd to him by Consent; except the First-born from *Adam*, which the Assertors of Paternal Power do affirm, hath an Universal hereditary Right, the absurdity of which Opinion has sufficiently been expos'd by a late most ingenious Author. Supposing which to be true, it is plain that no other can have the same Right; so that until that mighty Monarch prove his Claim, all the Civil Power that is now in the World must come by Consent: and there is nothing but that, can give another a greater Power than Parents pretend to over their Children; and which Children are oblig'd to obey, even contrary to their Parents Commands; and which gives them a Power of Life and Death over their Parents, as it frequently happens in Elective Governments; which Governments it is visible have their Power from the People: and this way too at first must come the Powers in all Hereditary Governments, for the first of a Family could not have an Hereditary Right.

Object. The Power of Government could not come from the People, because they have no Power over their own Lives; and therefore could not give that to another which they had not themselves.

Ans. It is true, Men having no Power over their own Lives, could not part with a Power they had not; yet Governors will have all the Power which is necessary for the Ends of Government, by the Peoples giving them that Power which by the Law of Nature they had over the Lives of one another: for by that Law every one had a Right to take away the Life of another, if he could not otherwise secure his own, or what was in order to the supporting of it; and might do the same in defence of any innocent Person, and could punish any one for injuring him or his Neighbours, because by it he acted for his own and their Security. And if Punishment ought then to be inflicted, some one must have a Right to inflict it; and if any one had a Right, all being by Nature equal, every one must have the same Right; the exercise of which Right men have parted with to their Governors: so that they alone have now the only Right to punish with loss of Life, or any less punishment in all Cases, except in those where, upon the suddenness of the Danger, Protection cannot be had from them, or where they wholly neglect or are incapable to protect them; there mens natural Liberties still remain, and they may in defence of their own Lives, or what is necessary to support them, justly take away the Lives of the Aggressors. And any Law which should take this Power from the People, would be null and void, because the People never did or could give the Magistrate such a Power as should hinder them from acting for their own preservation when necessity requir'd it.

Men have no Power over their own Lives.

How Government has got the Right of punishing.

The Magistrate having then his Power from the People, it is very certain he can have no more Power than they were capable of giving him, or did give him; who, because People (who had no Arbitrary Power over the Lives of one another) were not capable of giving it him, can have no Right to take away the Life of any Person, except it be for the Publick Good. Nor can Men, tho at the Command of the Magistrate, without being guilty of Murder, deprive any of their Lives, when the Good of the Society does no way require it. Nay, by the mutual assistance which by the Law of Nature Mankind owe to one another, they might, if he should endeavour to destroy any, when it is evident it is no way beneficial to the Publick, justly oppose the Magistrate, if opposing him would not be a greater Damage to the Publick.

The Magistrate never had an Arbitrary Power given him.

As Men could not give the Magistrate a greater Power than they had over the Lives of one another, so the Power they gave him was not only for the defence and safety of their Lives, but to secure them in the enjoyment of their Properties, and to judg concerning them by known and impartial Laws. Men having no Power to destroy what was beneficial to others, could not give him a Right to waste or impoverish (which is the necessary effect of Arbitrary Government, where the uncertainty of the Enjoyment destroyeth all Labour and Industry) what God has ordain'd for the Necessaries or Conveniences of Life. They that assert the Magistrate has more Power than the People could or did give him, must prove he had it from God, who alone could give it him; but God, except to the Jews, gave no other Law about Government, or any other Matter, but that of Nature. And Christ, whose Kingdom is not of this World, did not give more, or take away any Power from the Magistrate: So that whatever Power was given him by Man, he still enjoys the same without any addition or diminution.

Magistrates Power from the People.

C H A P. II.

Of Passive Obedience.

Therefore 'tis very evident, That whatever Rights or Liberties men did not part with to their Governors, those they have still retain'd in themselves; and no Person can have a Right to their Obedience in those things wherein they have given him no Right to command; nor are they (which otherwise would be the Consequence) oblig'd to pay him more Obedience than they owe him, but may defend their Rights against any that has no right to take them away.

In the most absolute Hereditary Government, if the Governor should endeavour to alienate it, or any of the essential parts of it to a Stranger, he may be justly opposed, because the People have not given him such a Right, nor is a Right to dispose of a Government necessary to his governing them; but such an endeavour shall be interpreted so far good (because the Acts are not so to be interpreted as to be of no effect) as is in his power to make it good; *it shall be esteem'd a good Resignation.*

By the same, if not greater Reason, the King in a mixt Government may be oppos'd, if he should endeavour to alienate any of the Parts of the Government, which are by the Legislative Power annexed to the Crown, as in *England* the Supremacy in Ecclesiastical Matters is: there the People may oppose the King, if he should attempt to separate the Supremacy from the Crown, especially if he should endeavour to make the Pope Supreme; because, if they did not oppose him in that Attempt, they must either be guilty of High-Treason in owning the Pope's Supremacy, or be destroy'd when the Pope's Supremacy is establish'd, for refusing to be guilty of High-Treason, it being Treason by the Laws to own his Supremacy. Whoever owns the Pope's Supremacy, is incapable of being himself Supreme in Ecclesiasticals; and he that cannot be Supreme in Ecclesiasticals, cannot be Supreme in Civils, because being united by the Legislature, they cannot be enjoy'd apart.

Gover-
ment in
England
is a mixt
Govern-
ment.

In a mixt Government, where the Legislative Power of King, Lords and Commons (which is the only Supreme Power, because it gives Laws to all) is divided, part in the King, and part in the People; if either Part invadeth the other's Right, the usurping Part may be justly opposed, because it invadeth what is the Sovereign Right of another.

None can have a share in the Legislative Power, but who must have a Right to defend that Power; because any other than a Sovereign Right to the Legislature, to which all are subject, would be nonsense; and whoever has the Executive Power, if he had not a share in the Legislative, would be subject to it. And he that is intrusted with the Execution of the Laws, can have no more Power than the Legislature has given him: and where the People have a share in the Legislature, *they have the same Right to their Privileges, viz. the Laws of the Land, as the King has to his Prerogatives*; because the Consent of both is equally necessary to the altering the Laws, as it was to the making of them.

In a mixt Government, a King, beyond the limits of his Kingly Power, is so far from having a Right to Obedience, either Active or Passive, that by *assuming such an unlimited Power, he loses all his legal Power, which consists in governing according to the Laws enacted by the Legislature*, and by it abdicates the Government: for he that ceases to govern according to those Laws, by governing arbitrarily and contrary to Law, ceases as much to govern in the Eye and Intent of the Law, as he that ceases to govern at all; and by governing arbitrarily (the Constitution admitting of no such Governor) destroys the very Essence of his Kingly Power, and renounces the only Right he has, his legal Right. For no Person can have at the same time a Will to rule according to Law, and a Will to rule contrary to Law; and he that wills the latter cannot will the former, and so willingly renounces his legal Government; and by making his Will the Law, he assumes the whole legislative Power to himself, which wholly destroys the former Government: for *a new Legislature is a new Form of Government*; and if the Whole be destroy'd, the Share the King has in it must be so too, except a Part can subsist when the Whole, by which and in which he enjoy'd his Part, is dissolv'd.

Where.

Where-ever People have establish'd a mixt Government, they are presum'd to grant all that is necessary to maintain that Government; which could not be, if one part had not a Right to hinder the Encroachment of the other.

It is nonsense to brag of the Happiness which People enjoy in living under a limited Monarchy, if it had no other Limits than the Will and Pleasure of the King; because then he would be as absolute as the *French* King or Grand-Seignior, and his Subjects would be as mere Slaves as the vilest of theirs, since they would hold their Lives and Properties by no other Tenure, than the Pleasure of the King who is absolute.

But it may be ask'd, *Who shall judg between them, if either should usurp the Right Query? that belongs to the other?*

I Answer, None can judg as a Superior in whose Sentence both sides must acquiesce, because that would suppose some one superior to the supreme Legislative Power: Or if the Judges of the Land should have an absolute Power to determine in these Matters, and People should be oblig'd to submit to whatever they decree, they could make either Party the supreme Legislative Power, or themselves, by declaring themselves to be so. *Ans.*

None, as a Superior, can call him to an account who has a share in the Legislature; but he may be resist'd as well as any other, that should invade the Sovereign Rights of others, with which he has nothing to do.

Where People have not parted with their Rights, it must be presum'd they have retain'd a Power to judg whether those Rights are invaded, or else the design of preserving those Rights would be to no purpose.

But it may be objected, Tho it be no Treason, or any manner of Injury or Injustice, for People to defend their Rights against a King that has no right to take them away, yet for their own sakes People are oblig'd to submit to his Arbitrary Government, because opposing him might create a War more destructive than all the Effects of his Arbitrary Power. *Object.*

But what King would resign his Government, rather than oppose a Rebel? And if a single Person thinks he is not oblig'd to part with his Civil Right, how can he expect that Millions (were it possible it could be for their common Good) should part with theirs? Since too, every one of them has the same Right to their Privileges (the Laws of the Land) as he has to his Crown, why should they be more oblig'd to suffer their own, rather than a Foreign Prince to destroy their Rights? Since the Attempt is a greater Crime in him, because he breaks his Oath, and the Trust that is repos'd in him, and is guilty of the highest Ingratitude to the People who have given him so much Power. *Ans.*

By the same Argument good Men ought not to resist Robbers and Pirates: And if a Man should be oblig'd to quit all for fear of Bloodshed, how bravely would the good of Mankind be promoted, and what a blessed Peace would the World enjoy? which would consist in Violence and Rapine, and which would only be maintain'd for the Interest of Robbers and Oppressors.

Whoever does but consider the Poverty, the Misery, the Hardship People undergo in Absolute Monarchies, where the Generality not only want Conveniences, but even the Necessaries of Life; and how by tyrannical Government the richest and most flourishing Countries (as for instance, those under the *Turkish* Empire) are depopulated and almost turn'd to Desarts, so that the Inhabitants are thin and few, as well as wretched and barbarous; and whoever compares them with those that live under mixt Governments, where the Inhabitants are generally above twenty to one to what the others are, abounding with all manner of Conveniences and Pleasures of Life; or does but consider the happy Condition that *Greece* and a great number of other Places enjoy'd when they were Free States, and what they now suffer; or has but read Bishop *Burnet's* Remarks on *Italy*, *Rome*, and *Switzerland*, must be convinc'd, That it is not the Interest of a Nation to let their King be Arbitrary; and that they cannot pay too dear for preserving their Liberties. In making themselves Absolute, Kings act against their own Safety, as well as the Good of the People, because a mixt Government is not only best for the Subject, but for the security of Kings, they being oftner depos'd and murder'd (as all the Histories of the World do testify) in Absolute than in Limited Monarchys. *Miseries of Absolute Government.*

Can any one think that the *United Provinces* (in spite of the long War they had to maintain their Privileges) are not as Populous, Rich and Potent, and upon all accounts in as flourishing a Condition as they would have been, had they been pos-

self's'd with the Doctrine of Passive Obedience, and tamely submitted to the Encroachments and Arbitrary Power of *Spain*?

Had the Doctrine of Passive Obedience been all along practis'd, Mankind would have been in a more slavish Condition than any now are, that live under the most Tyrannical Governments; it is the Fear that People may by ill usage be provoked to violate this Doctrine, that keeps the greatest Tyrants within some bounds, and makes them govern more mildly and moderately than otherwise they would. It is, I think, no great Argument of the Goodness of an Opinion, when the not observing it, or even the very probability of breaking it, has preserv'd Mankind in a much better condition than they would have been, had the Supreme Powers been certain, that that Doctrine would have been inviolably observ'd.

England a
free Na-
tion.

The *English*, who are the freest Nation in the World, cannot consider the Happiness they enjoy, in comparison of those that live under Absolute Monarchies, without having a just Veneration for their Noble Ancestors, who have (tho not without the expence of their best Blood) secur'd to them those Liberties they now enjoy: And the present Age would have strangely degenerated, had they not been as zealous to transmit the same down to their Posterity.

Most of the *European* Nations were once Masters of the same Freedom the *English* still enjoy. Those great Swarms of People that came out of the North, and subdu'd most part of *Europe*, upon settling themselves in the Countries they conquer'd, made their Generals Kings, and their chief Officers their *Concilia Magna*, or *Parliamenta*, without whose Consent no Laws were made, or scarce any thing of Importance done: Which Government the *English* have best preserv'd, being a Nation too tenacious of their Liberties to be complemented out of them; and (as they to their Cost have found, who have attempted it) of too great Courage to be forc'd out of them.

It cannot then justly be concluded to be against the publick Good of the Nation, to oppose Arbitrary Government, because more Lives might perhaps have been lost by it, than by the tyrannical Government of all the Kings since the Conquest; because those Kings were not absolute, and when they endeavour'd to be so, were always oppos'd. But had it not been thought lawful to oppose them, and they had been as absolute as the Doctrine of *Passive Obedience* would have permitted them; I would ask whether then (for that is the true state of the Question) the Nation would have been as populous and as rich as it is at present by preserving its Liberties, and opposing all Usurpation? There is, I think, no reason to doubt, if Arbitrary Government had prevail'd, but that the Country would have been reduc'd to as poor and as beggarly a Condition, and would as much have been depopulated as any Province under the *Turkish* Empire.

Consent of
the Nation
at the Re-
volution.

There can be no greater Argument than the universal Consent of the Nation, that what they so unanimously concurred in, was not against their Common Good; and nothing but a Danger as universal as it was great, could make all People so desirous of a Revolution: And there could be no Pretence from the Publick Good of not resisting, when Slavery it self was not the End, but only in order to extirpate an Heretical Nation, which all Popish Princes by their Religion are oblig'd to do; and there was no reason to suppose the late King (had not the Design been so notorious) less zealous than his Neighbours. *Where it is notorious that a King has a Design to enslave the Nation, there can be no great danger in opposing him*; because it is impossible for him (the Lands and Riches being in so many hands) to be able to influence so great a number of the Gentry and Nobility, as shall be sufficient to oppose the Common Interest.

There is nothing more pernicious to Government, than to encourage those that publish such Doctrines as tend to destroy the Rights and Privileges of the People; who are quick-sighted enough to find out the weak side of such Arguments as tend to their hurt: and it makes them suspicious that some sudden Designs are carrying on against them, and prepares their Minds to receive any ill Impression against the Government. What happen'd in King *Charles* the First's Time, is an undeniable Instance of this, where the encouraging and preferring almost none but such as preached that senseless Doctrine, created such Jealousies, Fears and Mistrusts in the Minds of the People, of whom too many were irritated by Persecution (*for Passive Obedience and Persecution, like Brethren in Iniquity, go hand in hand*) that nothing but the Ruin of that Prince could satisfy their Jealousies. This Doctrine had like to have produc'd a more fatal Consequence in his Son's Time, by encouraging him

(wha

(who had the weakness to think, that those who when uppermost were Bigots for it, would submit to it when they themselves came to suffer) to invade the Rights and Liberties of the People.

C H A P. III.

Of the Publick Good.

THE Consideration of the Publick Good, which is the Supreme Law by which both King and People ought to guide their Actions, does oblige Subjects to obey in all things that are in the least disputable, and even to acquiesce in whatever a King does, if in the whole he promotes the Publick Good. It is not barely the breaking a Law, or stretching the Prerogative in this or that Point, can do any great Mischief, except it be done with a design to subvert the Liberties of the People, and establish Arbitrary Government. In many Cases, the Good of the Whole may require the Laws to give place to the executive Power, because it is impossible upon the account of the infinite variety of Accidents and Circumstances that attend human Affairs to foresee, and by Laws to provide for all the Necessities that concern the Publick: Laws can only respect what does generally happen; there must be a vast number of Particulars, where a rigid observation of Law must be hurtful; and it will be necessary that a Power to dispense with the Penalties of the Laws should be lodg'd with the King, whose Power cannot be too large if he useth it for the Publick Good.

The only Enemies to the present Government, at least amongst the Protestants, are the Assertors of Passive Obedience; who tho they think it for the Publick Good to suffer a King to enslave a Nation, rather than oppose him, yet are so absurd as to think they are oblig'd in Conscience to disturb the Government that protects them, and raise a Civil War (tho the Consequence should be ever so fatal) to restore a Prince, whose Return would, if the War did not, compleat the Ruin of the Nation. The falseness and absurdity of which Opinion I shall endeavour to make manifest; and to shew, That it is the indispensable Duty of all that are protected by a Government, to bear true Faith and Allegiance to it.

I suppose I need not spend many words to shew the absolute Necessity of Government, for the Good and Well-being of Mankind; or that it was for no other Reason that Men parted with their Liberties (for what else could be an Equivalent?) but for the mutual Defence and Security which they receive by Government, which is the sole Design and End of all Laws, Punishments and Rewards. As this Reason was at first the sole Motive for submitting to particular Persons, so it is the only Reason still for continuing Allegiance to them; and when this Reason ceaseth, natural Liberty does return, and then Men are oblig'd, for the sake of their own safety and preservation, to pay Allegiance where it is most for their Interest and Advantage.

Obedience is due to Government, and not to the Person that governs, but upon the account and for the sake of it; otherwise People might be oblig'd to pay Allegiance to a King after he had resign'd his Regal Office. It is impossible for a King to lose his Government, and not lose the Allegiance of his Subjects, because they are Relatives; and according to the nature of all Relatives, one cannot subsist without the other.

Natural Relations, as that between Father and Son, last as long as both Parties live; but artificial ones (if I may so term them) as those between Master and Servant, King and Subject, may be destroy'd during their lives; and when these Relations cease, all Obligations on both sides cease. The Relation between Sovereign and Subjects is destroy'd, when the Sovereign will no longer protect his People, and so freely withdraws from the Government; or when he is depriv'd of the Power of protecting them, and so is driven from his Government; which, as to the People (for whose sake Government was instituted) has the same effect: and they equally lose that Protection and Defence for the sake of which alone Allegiance is paid, whether the Sovereign will not or cannot any longer govern them, and is forc'd to leave his Government in the hands of others, whereby those that were his Subjects are as incapable of paying him Allegiance, as he is to protect them;

them; and the same Force that will justify his leaving them, will equally justify their transferring their Allegiance. And since no Society is able to subsist without having Justice administred, and enjoying those other Blessings that are deriv'd from Government; either they must by living without Government become a Prey to every one, or else there is a Necessity of preserving themselves by paying Allegiance to the new Government.

If Obedience were due purely to the Title, Subjects would be very great Rebels in refusing to pay Obedience to a Madman with a legal Title, and in placing another in the Throne: What other reason can be assign'd for removing him, but that the Good of the Commonwealth requires Obedience to be paid to a Person that can protect them? which since a Madman cannot, it is their Duty to pay Obedience to another that can. Is not a Person that has lost his Government, as unable to protect the People, as he that has lost his Senses? And would not the endeavouring to restore him by violent Means, be more pernicious to the Publick, than suffering a Madman in the Throne? For tho the Incapacity proceeds from different Causes, the one being a Natural, the other a Moral one; yet the Reason, the publick Good, is the same, for not endeavouring to restore one, as it is for deposing the other.

Government for the good of the People.

Tho the next of Kin may have a Right to be Guardian to a Minor, yet if admitting him would prejudice the Affairs of the Minor, he ought to be deny'd that Right; or rather that Right ceaseth, because it is against the Interest and Advantage of the Minor, for whose sake alone he was appointed Guardian. So in Matters of Government (*which is an Office that had no other grounds for its being instituted, but the Good of the People, who are always in their Minority*, and such Sovereign Curators are constantly necessary for the Management of their Affairs) any particular Person's Right to that Office must cease, if he cannot be admitted without great prejudice to the Minors. And as the number is disproportionate between one and a whole Nation, and as the Lives of a number of Persons are to be valu'd before the Interest of a single Minor; so much stronger will the Argument hold in behalf of the People, and the greater will the Crime be in attempting to admit any Person into that Office, when it cannot be done without involving the Nation in manifest Ruin.

Therefore in most cases, where one King has Power enough to turn another out of his Kingdom and get into his Throne, it is highly probable he will be able to keep it against any Opposition from the Person he conquer'd: So that they who set up for his Interest, expose themselves to certain Ruin and Destruction. But tho it might so happen that they might succeed in the Attempt, yet since it could not be done without a manifest Injury to the Nation, by disturbing the Peace and Quiet of it, by causing the Effusion of so much Blood, Rapine, Desolation, and those intolerable Calamities which Civil War does produce, it would be so far from being a Duty, that it would be a Sin of the first Magnitude to attempt it; it would be contrary to the greater and prior Obligation which they owe to the Publick.

No Right against Publick Good.

For none can have a Right inconsistent with the Publick Good, which is the only fundamental Law of all Societies; contrary to which, no Law (and consequently no legal Right, which is built upon Law) can be valid; to which, as to a Center, each Man's Actions ought to tend, because the more universal any Good is, the more it ought to be imbrac'd; and Societies could not subsist, but must necessarily fall into a State of War and Confusion, if every Man should prefer the Advantage of any particular Person before the Good of the Whole.

As every particular Person's Interest must yield to the general Good of the Society, so must that of a particular Society submit to the more universal Good of all Societies; and no Principles can be true (however they may serve a particular turn) that if generally practis'd, would be against the Good of all Societies: but nothing can be more destructive and pernicious to all human Societies, than those Principles which assert that Allegiance must be only paid to him that hath a legal Title; because it must oblige vast numbers in all Revolutions to be destroy'd for the sake of a single Person, rather than submit to another who is in the same Station, and by whose Power they might be govern'd and protected.

It is a Doctrine of most dangerous Consequence, and if embrac'd would destroy the best part of Mankind, and fill the whole World with Blood and Confusion: for in such Revolutions (which frequently happen) what Government will suffer its Enemies (the more, still the more dangerous) to enjoy equal Privileges with its dutiful Subjects? thereby enabling them to destroy that Government, which by all Ties of

of Conscience they must think themselves oblig'd to, as Subjects to its Enemies.

The Safety and Quiet of their peaceable Subjects, as well as Self-preservation, will oblige the supreme Powers to extirpate them ; for it is impossible for Men of these Principles, if they act accordingly, to live quiet under a Government which they suppose has no legal Right, because their Actions are not in their own Power, but in that of the dispossest'd Prince, who has the same indispensable Right to command them, as he had before he was outed of the Throne. Therefore they are oblig'd, whatever they promise, or whatever specious Pretences they make, to act contrary to them, when either his Interest or Commands do require it.

Can it be suppos'd, that when Men submitted to Government (because it was absolutely necessary for their Preservation) that they submitted on such Terms, as should oblige them in so many Cases to run into those Inconveniences which they desir'd to shun, rather than live in peace and quiet under a Government which does actually protect them ?

Nothing can justify such Principles, except the *Misery* and *Destruction*, not the *Preservation* of human Societies, be the *Supreme Law* ; or that it is a Sin to act for the general Good of a Society, and a Duty in the People to expose themselves to certain Destruction, rather than act for their own Good, in a Matter which was solely instituted for their Good.

A Man may be oblig'd to suffer rather than act against his Duty ; but that he should be oblig'd to suffer rather than do his Duty in promoting the general Good of the Nation, is to me a strange Paradox. If it be a Duty to act for the Publick Good, and the general Interest of a Society ; and if the more universal the Good be, the more it ought to be sought for ; then the Means that are necessary to this Duty, or End, must be as necessary as the End it self, because the End prescribes the Means.

So that if the paying Obedience to the present Government be for the Good and Happiness of the Nation, it must be a Duty in every one to do it ; and on the contrary, if endeavouring to disturb the present Settlement, and to restore the late King be (as I think no Protestant can doubt) to the Disadvantage, and against the Good and Interest of the Nation, it must be a Sin. And can there be more dreadful Consequences (than what in all human Probability, must happen upon unsettling the present Government) to our Estates, Liberties and Lives, and what ought to be dearer than all, to our Holy Religion ? Except Popery, and *French* Tyranny, which include in them Slavery both of Body and Soul, are to be courted at the expence of a Civil War.

The paying Obedience to those that are in possession, is a Doctrine that tends so much to the Interest of human Societies, and of all the particular Members thereof, that even those who oppose it, if they consulted their own Happiness, must wish it were true ; and what greater Argument can there be of the Truth of it, than that it is so conducive to the Good of Mankind ?

And that common Objection, or rather Reflection, That it is Interest makes these Tenets, which require Obedience to the present Government, so universally imbrac'd, (howsoever it be uncharitably design'd) is so far from destroying the Credit of them, that it is a Demonstration of their Truth ; because they are for the good of Particulars, of which the Publick is made up.

CHAP. IV.

Of God's Laws.

THE Publick Good of Societies is not only the Foundation of all human Laws, (upon which all Legal Rights depend, which cease to oblige, and are null and void, when contrary to it) but is even the Foundation of God's Laws, which concern Men with relation to one another.

For God, who is infinitely happy in himself, could have no other Motive in creating Man, but to make him happy in this Life, as well as that which is to come ; and accordingly if Mankind would follow those Rules that are prescrib'd by God in order to their Behaviour towards one another, in what a happy, blessed, and flourishing

*Publick
Good the
Foundation
of Divine
Law.*

ing State would they live? And what Misery and Confusion even in this Life does deviating from those Rules create, besides the Punishment they receive in the Life to come, for acting against their good in this? Do not the Circumstances, as they tend to the Advantage or Disadvantage of human Societies, make things good or evil? And are they not the only Rule to judg of God's Laws by? As for instance, the Commandment declares in general Terms it is not lawful to kill; yet it is a Duty in the Magistrate to kill, because it is for a Publick Good, which is the only Rule by which to distinguish between Murder and Justice. Even a private Person may kill in his own Defence; and such a Liberty is for the Publick Good: nor do Christ's Precepts, which forbid all manner of Revenge, and require forgiving of Injuries, hinder any from punishing those that injure them by legal Courses; because the punishing them tends to promote the publick Interest of Mankind.

It is unlawful to take what is anothers without his Consent; yet if it be for the Common Good, it is not only lawful, but a Duty, as blowing up of Houses in case of Fire against the Consent of the Owner, or digging in a Man's Ground to prevent an Inundation. If a Ship be in danger to be lost, it is the Duty of those that are in it, in order to preserve the Ship, to throw any Man's Goods overboard, tho contrary to his Consent; and if a Ship wants Water, she may lawfully, even by Force, take some from another Ship, if that Ship in all likelihood hath enough to carry her to the next Watering-place.

Cases of necessity.

In case of Necessity it is lawful for a private Person to take from another what is necessary for his Subsistence, if he whose it is, be not in the same want; nay, even what is devoted to God in such cases it is lawful to take: and Christ makes *David's* eating the consecrated Bread, an Argument *a fortiori*, to justify what his Disciples in their Hunger took from Man. In such cases the natural Right of Self-preservation returns, and tho People are sometimes punish'd for taking from another in their Necessities, yet that does not prove it unlawful: but the Punishment is inflicted only to prevent a gap being laid open to Libertinism, which would be inconsistent with the Publick Good and Convenience; for the sake of which a Person ought sometimes to suffer, tho it be undeservedly.

What is more inviolable than a Promise to return what one is intrusted with? Yet none are oblig'd to return a Sword to that Person who designs to attempt his own Life, or that of another; much less ought we to endeavour to give any one the Power of the Sword, tho he has ever so much Right to it, if the Attempt would prove fatal to a great number of Lives, and contrary to the Good of the Society, for whose sake alone he has that Right: nor can any one be oblig'd to ruin or prejudice a Society for the Right of a particular Person, when the Right which that Person has, was only for the Preservation of that Society. What is more sacred than Truth? Yet even that is dispens'd with, when it is evident the contrary is for the Good of those to whom it is spoken, and no prejudice to any other Person, as in the case of melancholy and sick Persons, and Children, or such like Instances. If Untruths were forbid, not because they were Injuries, but barely because they are Untruths, all Parables, Fables and Novels would be unlawful.

When it is not unjust for an innocent Person to suffer.

What can be more unjust than to take away the Life of an innocent Person? Yet if it be for the publick Good, it is so far from being unjust, that it is a Duty in those that have the Publick Administration of Affairs to do it. And all Governments act no other ways, when by Force they compel innocent Persons to the Wars where it is unavoidable, but that great numbers must be slain: Tho it seldom happens to be for the Good of a Society that an innocent Person should suffer, yet the only thing that Government looks after in punishing, is the common Good, and it may justly cause an innocent Person to suffer, if it be for the general Good; because the lesser (the particular) which is then consider'd *sub ratione mali*, must give place to the greater, the general Good. Not only the Publick, but a private Person has a Right to take away the Life of an innocent Person, if he cannot otherwise preserve his own. And most Casuists are of Opinion, that a Man (if parting with his Life should happen to be beneficial to the Publick) ought, as *Codrus* did, freely to lay it down; but they all agree, that a Man ought to part with any thing that is less than Life, or not endeavour to recover what he has been depriv'd of, if he cannot do it without Detriment to the Publick, much less ought any to assist him in the Recovery.

In short, There is no Law that wholly relates to Man, but ceaseth to oblige, if upon the infinite Variety of Circumstances which attend human Affairs, it happens to be contrary to the Good of Man.

But

But in things of a higher nature, and which are Moral in themselves, and relate to the Worship and Honour of God, it is not lawful upon pretence of temporal Interest, to dispense with any of those Duties, because it is not lawful to do Evil that Good may come; and the temporal Good, which is the less, ought to give place to the greater, the Eternal: Tho even in these cases, things which relate to God's Worship, if merely positive, must yield to the Good of particular Men, because they are (as Christ speaks of the Sabbath) made for Man, and not Man for them. But in things design'd for the temporal Interest of Mankind, the standard of Good and Evil is the Publick Good; and things are commanded or forbidden, as they are either good or hurtful to Mankind: and what in some Circumstances may be a Duty, in others, if it prove inconsistent with the Publick Good, would be a Sin, and the contrary a Duty; and then acting for the Publick Good, would not be doing Evil that Good might come of it, but by the Circumstances altering the Case, it would cease to be Evil.

The Design, End, and Intent of all God's Laws, is the Worship or Reverence The Intent of all God's Laws. that is due to the Deity, and the Love that is due to Man. The Love of God and ones Neighbour, our Saviour saith, are the two Grand Commandments, on which hang all the Law and the Prophets; and in a much more eminent manner does the Gospel, whose Precepts, as they teach the mutual Duty of Man towards Man, are nothing but Love and Charity. So that it is evident, that no Doctrine can be true that is in the least inconsistent with these two Commandments, the Love of God and of ones Neighbour. But how can he be said to love his Neighbour (which is an indefinite word, and carrieth the sense of an universal) who will have vast Numbers sacrific'd to the Interest of a single Person? Or how can it be presum'd, that God, who has declar'd he is no Respector of Persons, and has made all Men by Nature equal, should act so inconsistently with himself, as to require that great Numbers should lose their Lives, and be expos'd to all manner of Misery, for so inconsiderable a trifle, as the advancing a single Person to a Post, which is attended with as great Cares and Troubles, as Honours and Riches; or that he should prescribe about Government (which could have no other ground for its Institution but the Good of the Society) I say, that he should prescribe such Rules, as in most Revolutions must tend to their Ruin and Confusion?

CHAP. V.

Of the Law of Nations.

UPON this Foundation of the General Good of Societies, have certain Rules and Customs been observ'd by Nations in their Intercourse with one another, which are call'd the Law of Nations (without which no Correspondence either in Peace or War could be maintain'd) which only by the tacit Consent, and general Practice of Nations, upon the account of their evident Utility, and common Profit, have obtain'd the force of Laws, and are look'd on as sacred. The Supreme Powers, neither by themselves, nor Representatives, ever met, or enacted such Laws; nor have other Nations Power to oblige any Sovereign Independent State, which cannot be bound to observe these Customs, or Practices, but as they tend to the general Good and Advantage of all Societies.

Every Nation is at liberty to appoint what Government, Laws, &c. or manage Laws of Nations grounded on the general good of Societies. its own Affairs within it self, as it thinks best. The Laws of Nations relate only to their Commerce and Correspondence one with another; and Princes are no other way concern'd by the Law of Nations with one another, but as they have the Power of making Peace or War, and all other Leagues for those Nations they rule.

It is not at all material what Right they have to this Power, it is sufficient the Nations own them for their Sovereigns, and have intrusted them with this Power: It would be an endless, as well as useless Task, for Ambassadors before their Admission, to prove the just Right their Masters have to those Titles and Powers they assume to themselves.

All Treaties, except they appear to be merely personal, tho made with Usurpers, will oblige legal Princes, if they succeed, and so *vice versa*; and a League

made with a Nation, when under a King, will oblige that Nation (provided they continue free) tho the Government should be chang'd to a Commonwealth, because Leagues are National, and made with Princes only upon the account of the Nations they are Representatives of. But when they lose this Power, and the Nations are no longer concern'd in their Acts, they lose all manner of Right that did belong to them by the Law of Nations; because these Privileges are (as *Grotius* calls them) *bona Regni*, and did belong to them only as they were the publick Persons, or Representatives of their respective Nations, which when they cease to be, they have no more Right to them, than they had before they were these publick Persons.

But because the same Intercourse between Nations will always be necessary, which cannot be maintain'd, but with those who have the supreme Power; and they that have that Power, must have a Right to those Privileges, upon the account of the Nations they represent; and the dispossest'd Princes must with their Kingdoms lose their Right to them, because more than one at the same time cannot have the same Right to the same Nation: And tho some Princes (out of design or hatred to their Enemies) may allow outed Princes some of those Privileges that belong only to those that have *Summum Imperium*, yet they have no Right by the Laws of Nations to claim them, but they, as well as those that follow their broken Fortunes, can be esteem'd no other than Subjects, during their stay, to those Kings in whose Dominions they abide; where they are so far from having a Power of making Peace or War, or any other National Contracts, that they cannot, without Licence first obtain'd from those Princes in whose Dominions they are, send any to treat with other Princes, or receive any sent by them; much less allow them those Privileges which are due to Persons of a publick Character. And it would be unreasonable that Sovereigns should be oblig'd to allow them, or any sent by them, those Privileges, when they are incapable of returning the same. And with as little reason can any Prince in anothers Dominions, pretend to grant Commissions to private Men of War, to disturb the Trade and Commerce of any Nation, because he cannot claim in another Prince's Territories a Power (which can only belong to the Sovereignty of those Dominions) to judg, condemn, or restore, according to the Maritime Laws, the Ships and Goods which are taken by those that act by his Commission. So that the Privateers themselves would be their own Judges, whether what they take was lawful Prize, which in effect would be a Power to rob whom they had a mind to. Therefore by the Law of Nations, all who act by such a Commission, are esteem'd as Pirates.

CHAP VI.

Of the Obligation of Human Laws.

How far
human
Leagues and
Contracts
oblige.

ALL Writers allow, That the Leagues and Contracts which Princes make with one another, do oblige them to one another, no longer than they are in possession of their Kingdoms, because the sole reasons of making these Leagues were upon the Power each Kingdom had to afford mutual Assistance and Benefit to one another. And if this be a constant Practice with Kings, that their Treaties obligethem no longer than while each King has possession of his Kingdom; Why will they not allow the same reason to hold for Subjects, that they should be free from all Obligations to Princes, when they no longer receive any Protection from them? Seeing that was the only ground and sole cause of their paying them Allegiance; and in truth they cannot be any longer oblig'd, than the Reason for obliging them holds: For why should People be oblig'd, when there is no reason they should be so? No Laws can bind any longer, than the Reason for enacting them holds good; and when the sole Reason that made them Laws, ceaseth, the Laws themselves must so too; much more must any particular Law be null and void, when not only the Reason of keeping it ceaseth, but the keeping it does thwart the general Intent and Design of all Laws, which is the Good and Happiness of the Societies, to which all Laws are but means: and there is no reason that the Means should oblige, when the End for whose sake the Means were ordain'd cannot be obtain'd by those Means, much less when they become destructive of the sole End for which they were ordain'd.

If there were a Law that Ships should sail on such a side of the Channel, and the sole reason, whether express'd or not, were for avoiding the dangerous Sands that were on the other side; if the Sands should chance to be remov'd to the safe side of the Channel, the Pilot would be so far from being bound upon the account of that Law, to run his Ship upon the Sands, that he would break the Law if he kept to the Letter of it, and would observe the Law by going contrary to the Letter. So again, if a Law, that requir'd Obedience to one particular Person, should happen to be destructive of the publick Good, and of fatal consequence to the Community, the Letter of the Law would oblige no more in one Case than in the other; nay, the reason of not observing the last would be stronger upon the account of the disproportion of the number: But the true meaning and intent of the Law would in one case as well as the other, oblige People to act contrary to the Letter of the Law; and People would be as much bound to pay Obedience, where it would be for the publick Good, as in the other Case, the Ship would be to sail on the safe side of the Channel.

The occasion of not a few Mistakes in this important Controversy, ariseth from Mens judging by the same Rules (tho the Reasons are extremely different) in Cases which concern the Supreme Powers, as they do in those which relate to private Persons. In Cases between private Persons, there is a Superior to decide all Controversies, and to do Right and Justice; for which end he was made their Superior: So that if any one by Fraud or Violence possesses himself of another's Right, the Law is open, and redress may be had without any Danger to the Publick; nay, *The publick Safety consists in having private Mens Wrongs redress'd.*

But as to the Supreme Powers, whatever Right or Titles they have, People are oblig'd to submit to those in possession, because there is no superior Court (as in case of private Persons) to judg of their Rights; and Possession, by all Laws, gives a Man a Right, till he be legally dispossest: and if a Man cannot be turn'd out by course of Law (as 'tis evident he that is in possession of the Government cannot) he ought still to enjoy what he possess'd. For it is against the Nature of all Civil Societies to appeal to the Sword, to prevent which they were instituted: Besides, Force can never decide civil Controversies, nor can the Sword be a proper Judg of Wrong or Right; it can only determine who is the strongest, not who has the best Cause: and the pretended Remedy would be infinitely worse than the Disease; for Civil War, as long as it continueth, destroyeth all Civil Rights.

If the next Heir, whether Brother or Son, should get possession of the Government by murdering his King, the People (instead of giving him that Punishment which by the Law of Nature, and God's positive Law, is due to such Crimes) are oblig'd to pay him Obedience, to which he can have no other Right but Possession; for whilst his King was alive, and in possession of the Government, he could have no Right: and certainly an Action so barbarous as murdering him that was (suppose) both his Father and King, which is against all Right, Law and Justice, could never give him any Right or just Title, because it is against all Conscience and Reason, that a Man should reap any Advantage by an Act so monstrously wicked; and any Law that should allow a Man any Benefit by so enormous a Crime, would be as sinful it self. Nor can a Man in any other Case reap any Advantage by his own Turpitude; but here, because there is no Superior to punish him, nor can Obedience be refus'd him without Injury to the publick, it is Peoples Duty, instead of punishing him, to pay him Obedience. And certainly the same Reason will hold for paying Obedience to any that get possession of the Government, since none can get it more unjustly.

All legal Rights must depend upon the Laws, and all Laws, for their Authority, upon the Government; and when that Government is at an end, all the Laws that concern it must be so too, and can no more oblige than the English Laws can in a Foreign Country; because a Power to put Laws in Execution (whereby People are protected) is essential to all Laws, because it is essential to all Government, on which the Laws depend; and without such a Power no civil Society, and by consequence no civil Laws can subsist.

No particular Law can bind in those Circumstances, where all Laws would cease to bind; and there is no reason that some Laws should oblige, when all Laws would have no Obligation, as they would not oblige if there were no Power to put them in Execution; because Men, when there is no Power to restrain them from acting as they have a mind to, would be in the state of Nature, and consequently without any Laws but those of Nature.

Without a coercive Power, the Laws become a dead Letter, or at best but Advice; so that there can be no Laws that can oblige People to act against the present Powers, because by being against the present Powers they cease to be Laws.

If a Law that should oblige People not to pay Obedience to the actual Possessors of the Throne, had they not a legal Title to it, were not in its own nature null, or could subsist after that Government to which it requir'd Obedience, was destroy'd, it would be void upon account of its Impiety; because as long as the legal Princes continue dispossest'd, which might extend to some Centuries, it would overturn all Government, and all Civil Society, which are instituted for the Good of Mankind, and which Nature hath qualify'd Man for, by making him a sociable Creature.

Can any Man in his Senses think, that a particular Prince's Interest can stand in competition with the very Being of human Societies, and the Preservation and Safety of the People? Is it not absurd to suppose, that legal Rights that owe their Being to Civil Societies, should oblige People to put an end to Civil Societies; and that Laws, which are but the Rules of Government, should destroy Government it self; or that human Laws should be able to destroy the Law of Nature, or take away that natural Right which People have to act for their own Good and Preservation, which is a Right superior to all human Laws, and for the sake of which all human Laws were made?

Cases of
Necessity
do not ob-
lige to O-
bedience.

All human Laws are made *cum sensu humanæ imbecillitatis*; nor do Legislators themselves design they shall oblige in case of great and pressing Inconveniences, but allow that a moral Necessity does destroy the Virtue and Force of them.

The Good and Interest of the People is the supreme Law, to which the Rights and Titles of Princes must submit; and where it is for the good of the Nation that they should be govern'd by such a particular Person, that Person has the best and most legal Right, because it is built upon the supreme and fundamental Law of all Societies. And whoever designedly breaks this most sacred Law, may justly be accounted a Rebel: And as the Crime would be greater in them than others, if they who are hir'd by Travellers to protect them from Robbers, should rob them themselves; so if Princes, who are intrusted by the People with Power, in order to protect the Society, should make use of that Power to the Detriment of the Society, the Crime in them would be so much the greater, by how much more they are oblig'd to act otherwise.

C H A P. VII.

Objections answer'd.

Object. **U**PON supposition that the Good of the Society is the grand ultimate Law, yet these Principles, which require Obedience to the Possessor, cannot be true, because they are against the Peace and Happiness of Nations, by encouraging Rebellion against all Princes, in obliging People to pay the same Allegiance, even to those that unjustly depose them.

No Rebellion
incourag'd
by the Re-
volution
Principles.

Ans. These Principles are so far from being destructive to the Peace and Quiet of Nations, or encouraging Rebellion against their Governors, that they require Obedience to all in possession, upon pain of Damnation; but if neither the Fear of eternal Punishment in the Life to come, nor the severest that can be inflicted upon them in this, can secure People from rebelling, I must confess my Ignorance, I know nothing that can. It is the Duty of all Subjects to do their utmost to defend the Government; that is but a just Return, and what is due for its protecting and defending them: But if by the Chance of War, or any other way, it should lose the Power of protecting them, they are not oblig'd to have their Throats cut, rather than pay Allegiance to that Government, by whose Favour and Protection they subsist, and enjoy what they have. And that Prince is very unreasonable, and acts against the Rules of Humanity, as well as Charity, who when he is able no longer to protect the People, would rather have them destroy'd, than own that Government that can.

Nothing can justify such an inhuman and barbarous Opinion, except it can be prov'd that Men entred into Societies barely for the sake and interest of

a single Person; and that if his Pleasure or Profit require it, Millions of Lives must be indispensably sacrific'd. This is to place Men in a worse Condition than the Beasts, are if they are in Conscience oblig'd to lose their Lives to gratify the unlimited Pride, Ambition, Revenge, or Interest of a single Person.

It is strange that any *Englishmen*, who are the freest Nation in the World, should have such Notions of themselves, that they are no other than the King's Properties: Tho it is but reasonable that Men who design to bring the most insupportable Slavery on themselves, should qualify themselves for it by Notions and Principles so much below the dignity of human Nature.

These Principles are so far from being any ways prejudicial to Mankind, that it is they alone which in all Revolutions can secure human Societies, and make Governments easy and safe both to Kings and Subjects, by putting an end to those otherwise endless Disputes of Titles. And Princes may without Fears or Jealousies mind the publick Good, because it secureth them who are in possession against all Pretences.

The most that can be objected is, that a Prince that has once lost his Dominions, may by these Principles chance to lose the hopes of ever recovering them again.

A Prince that is unjustly expel'd, ought to acquiesce, if he has no way of recovering his Kingdom but by disturbing the Peace and Quiet of a Nation; he ought not to make use of such unlawful means for the recovery of his Kingdom: and certainly others can have no reason to act against the good of the Community for his Interest, when he himself is oblig'd not to act.

The Interest of a Prince is only more sacred than another's, when that of the Publick is involv'd in it; but when that is no longer concern'd in his Actions, he ceaseth to be the publick Person, and is but upon equal terms with other private Men, and ought as well as any other to acquiesce, rather than disturb the Quiet or Peace of a Nation. And there is then the same reason for not endeavouring to restore him, as there was at first for not turning him out.

All the ill Consequences that can happen in this Case are, that the less hopes Princes have of being restor'd by such unlawful means, the more careful (it's hop'd) they will be in governing the Commonwealth, and more afraid of arbitrary illegal Practices.

Object. If all Persons, how unjustly soever they get a Crown, have the same Right (their Consent) to the Obedience of the People, then there can be no such thing as an Usurper.

Ans. He who without any just Cause destroys the Right that any Prince hath to the Allegiance of his Subjects, by making him incapable to protect them, and protects them himself, may be call'd an Usurper: Tho the People by the former Prince's losing his Power to protect them, are reduc'd to the State of Nature, and by consequence free from any Allegiance, and may lawfully, or rather are oblig'd (every one else being out of a capacity to protect them) to consent to be govern'd by him who has the Power to protect them; who being so chosen, has the only Right a King can have, the Consent of the People, who are as much oblig'd to obey him, as they are any King whatever. The former King is so far then from being their legal King, that he is no King at all, nor has any manner of Right to their Allegiance. It is true, the Usurper having done him an Injury, ought to make him Satisfaction, and (if he can without any damage to the Publick) ought to place him in that condition he was in before he made him incapable to protect the People; who then, for the sake of Protection which they receive from him, are oblig'd to pay him Obedience. The having a Right to be restor'd by the Usurper, is the only Right a Prince that is unjustly depriv'd of his Regal Office can pretend to. And when I speak of his Legal Right, I mean nothing but this by it: Among the *Jews*, tho none could have a legal Right but one of their own Nation, because they were oblig'd by God himself to chuse a King from amongst their Brethren, and God afterward, 2 *Chron.* 23. 3. entail'd the Crown upon the Posterity of *David*; yet when these were disabl'd to protect the People by their being in the Power of Strangers, it was so far from being a Crime, that it was their Duty (notwithstanding the Divine legal Right any of their Brethren could pretend to) to pay Allegiance to them, tho for the most part they were Usurpers, having no just Cause to conquer them.

When one may be called an Usurper.

C H A P. VIII.

Of Conquest.

IF the Supreme Powers upon the suddenness of the Attempt, or by any other reason become incapable of defending or securing to them the Lives and Goods of their Subjects, they are, as to those particular Cases, in the state of Nature, and by their own Authority may justly take away the Lives of any that assault them. There can be no Reason why (if in all other Cases no Protection can be had from those they have consented to be protected by) they are not in the state of Nature, and by consequence at liberty to pay Allegiance to those who have a Power to protect them. And this is consonant to the Sense and Practice of Mankind ever since there has been Government in the World, who when their former Governors had lost the Power of protecting them, thought themselves, notwithstanding any Ties, Oaths or Laws that might be pretended to the contrary, free from any Obligation as to them; and because they could not subsist without Government, they have always consented to pay them Allegiance who had the Power to protect them.

What Right
Conquest
gives.

And there are no Nations in the World, but have seldomer, or oftner, practis'd it; and this is perhaps the foundation of all the Governments which are now extant. And this Practice does not only obtain as to whole Nations, but even to less Places; as to Towns and Castles, which never scruple to pay Allegiance to their new Masters, tho they change them more than once in a Campaign.

I wonder what powerful Reasons (never before discover'd to the World, and for ought I can see by their Writings, still undiscover'd) have now oblig'd private Persons to deviate from the universal Practice of Mankind, in refusing to pay Allegiance to the present Government, which alone has the Power to protect them.

The Answer to this is, That Conquest gives the prevailing Powers a Right, and that People submit to them as to Conquerors; but the *English* are no conquer'd Nation, which (tho it is nothing to the purpose, as I shall immediately shew) is, I confess, a great Truth.

The King was so far from invading and conquering the Nation, that it was to secure their Rights and Privileges, that he expos'd his sacred Person to such Dangers: But according to their own Principles, one of these two they must grant (for there is no medium) that the late King either freely parted with his Government, and if so, there can be no manner of pretence for paying him Allegiance; or that he was driven out by a superior Force, which in other terms is being conquer'd: So that then, according to these Principles, his present Majesty must have a Right to whatever King *James* possess'd.

Conquest in it self, and barely consider'd, can give no manner of Right; for what Obligation can lie on a Nation to pay Obedience to any one for battering down their Towns, killing their Inhabitants, destroying their Country, and in short, for doing all manner of Outrages? Must a Nation, as a grateful Return for these Kindnesses, be oblig'd to pay him all manner of Obedience? Can any Man in his Senses think these Injuries can give the Actor of them a Title to Peoples Obedience, or that mere Force can give a Right? for then every one that was stronger than another would have a Right to govern him.

Conquest
makes a
People free
from former
Obligations.

Conquest, by destroying the Power the former King had to protect his Subjects, sets them at liberty from any Obligation they ow'd him; because they ow'd none to him, but upon the account of being protected by him: The Conqueror does not by this get a Right to their Allegiance, because to free People from the Power of another, and to have a Right to command them himself, are different things. They being once free from Government, and by consequence in the state of Nature, nothing can give the Conqueror Right to their Allegiance, but their own Consent. By which it appears, that Mankind hath been often in the state of Nature; and considering the often Changes and Revolutions, there could be few or no legal Governments in the World, if in such Circumstances, all Ties to their former Governors were not absolutely dissolv'd.

But here it may be objected, that their Consent was not voluntary, but forc'd; and therefore could not oblige them, or give the Conquerors a Right.

The

The Conquer'd may in a sense be said to be forc'd to what they did, because they are bound by a moral Necessity to act for their own Preservation and Happiness; and for that reason they were oblig'd to leave the state of Nature, and be govern'd by him that had the Power to protect them. None are forc'd to be protected against their own Wills: they by the former Government's Dissolution, were reduc'd to a state of Nature; and if the Prince, under whose Power they are, will not afford them his Protection, they would still remain in that state; but by claiming civil Rights (which they can only enjoy by his governing them) and referring their common Differences to be decided, and their Grievances to be redress'd by him, or those that act by his Authority, they have put themselves out of the state of Nature, and have freely own'd his Government by their Actions, which were voluntary; for they were not forc'd to have recourse to him for Protection in their natural Rights, or oblig'd to claim any civil ones: and this is look'd upon by Mankind as a free and voluntary Consent, the most part of whom have no other ways than by their Actions own'd any Government.

Tho their Consent was obtain'd by forcible means, yet that would not destroy the Validity of it: It is true, in a Civil Society, all Contracts obtain'd by Force are void, but then the Force ought to be prov'd; for the Presumption is against it, and Judges declare for the Validity of a Contract, if the forcible means which were us'd to obtain it, are not prov'd.

But between independent Nations, where Force on one side is lawful, where there is no superior Judg to determine the Differences, or to judg whether Force were justly impos'd, both sides either thinking or pretending they are in the Right; all Leagues and Covenants, by whatever forcible means obtain'd, are valid, and the Good of Mankind (which is a sufficient Reason) does require it should be so, otherwise Wars would be perpetual, or not to be ended, but by the utter Ruin of the weaker or conquer'd Party; because there could be no manner of Agreement or Peace between them, if they had a Liberty, under pretence of Force, of breaking their Promises whenever they had an Opportunity.

The Validity of forcible Contracts.

In all such Cases it is lawful to promise, there being no Superior (as among private Persons) to take from them the Liberty of making such Contracts; and the Good of Mankind does oblige People to fulfil those lawful Promises. They cannot properly be said to be forc'd to promise, because it was in their Power to avoid promising: Nor is their Consent conditional but absolute, and it is their greater Good (either presum'd or real) that obliges them to make such Contracts. For the same reason all Prisoners of War are oblig'd to stand to their Paroles, and to pay whatever they promise for their Liberties.

The reason is the same for paying Allegiance to the new Government, whether by a just or unjust way the old one was dissolv'd; and Mankind have all along equally submitted to Conquerors, whether the Cause of Conquest were just or not: As few Conquerors have had a just Cause for all the Mischiefs they have done. The reason for Submission is not how one Man gets others into his Power, or whether he had a just Cause of destroying the former Prince's Power, but whether they consent to be govern'd by him after they are in his Power. It is for their own sake, and not for his, that they submit to his Government: They may act against their own Good in not submitting to the Conqueror, but they deny him no Right if they do not submit: It is not the Conquest it self, let it be ever so just, but the After-consent that makes them Subjects.

A just Cause of War may make it no Injustice to dethrone a King, because he gave sufficient Provocation. But how can one Prince's injuring another, absolve Subjects of their Oaths of Allegiance, and give the injur'd Prince a Right to command them? who, if he hath any Right besides their Consent, when he has put them into a capacity to consent, must have it before the Conquest; for mere Force cannot give or take away a Right, it can only put him in possession of his Right; and if he had any Right to their Allegiance before Conquest, I cannot see but that in Conscience they were bound to transfer their Allegiance, and join with him against their former Prince, who by giving a just Cause of War had forfeited his Crown.

Tho the Nation be not conquer'd, yet no reason can be urg'd for submitting to Conquerors, but what will hold as strongly for paying Allegiance to the present Government. Has not the late King as much lost his Power to protect the People, as if he had been driven out by Conquest? Is it not the present Government alone that makes the People a Civil Society? Is it not by it that they are protected in their natural

tural Rights, or can claim any legal ones? which are the only Reasons that oblige People to submit to Conquerors. And are not they that endeavour to disturb it, as much within the power and reach of the Government, as if they were conquer'd? And has not the King and Parliament as absolute a Power as any Conqueror?

The only difference is, that without feeling any of those fatal Miseries which attend Conquest, they enjoy the Protection of the Government, and owe their Preservation to it; and the Nation instead of losing any of their Rights and Liberties, enjoy greater, and are secur'd from the worst of Slaveries, which otherwise they had inevitably fallen into. So that they have infinitely stronger Obligations to pay Allegiance, than if they had been conquer'd, to which their Zeal and Loyalty ought to be proportionable.

CHAP. IX.

Of Possession.

ALL Writers, I think, allow, that after a Possession of a long continuance (tho they extremely differ how much time is necessary) a Right does accrue to the Possessor, tho there are some of the right Line still in being. If it be unjust to pay the first Possessor Obedience, I cannot see how a long Possession can alter the Case. A continuance in an Injustice may make the Injustice greater, but not alter the nature of things, and make the greatest Wrong to be Right; tho all things are done in Time, yet Time it self operates nothing.

Difference
betwixt
the Laws
that oblige
private
Persons and
supreme
Powers.

This Mistake (as a great many others are) is occasion'd by the Parallel Men draw between private Persons (who are ty'd up by Laws enacted by the supreme Powers) and the supreme Powers themselves. By the Laws of most Nations, if private Men neglect to make a legal demand of their Rights in a certain time appointed by the Laws, they lose them, and a Right does accrue to the Possessor; but this depends upon a Law enacted by the supreme Powers, who have a Right to dispose of private Estates as they judg best for the publick Good, whose Laws can oblige none but their own Subjects. But what Authority have the Subjects, or the Possessor, to dispose of the legal Prince's Rights? Besides, it might justly be imputed to a private Man's own neglect, if, when the Law is open, he does not recover his Right: It may well be presum'd he hath relinquish'd it. But that cannot be said of a Prince who has no Court of Justice to appeal to, or any other likely way to recover his Right; yet by bearing the Arms and Title, and by other ways still asserts his Right.

The Title
of Posses-
sion.

How numerous are the Instances of Princes possess'd of Territories belonging to others, and who have been so for a great many years? Yet none dare affirm the Subjects that pay them Allegiance, are, and have been all along Traitors. To give but one Instance among hundreds; the Kings of *England* have a Right to the Kingdom of *France*, and have constantly claim'd it by causing themselves to be stil'd Kings of *France*, and by bearing the Arms of that Crown; yet none will condemn the *French* as Traitors, who have all along paid Allegiance to the *French* Kings. But if the Kings of *England* by tract of time have lost their Right to the Obedience of the *French*, and before that time it was Treason for those of that Nation to pay Allegiance to the *French* Kings, I should be glad to know what Month, or Year, it ceas'd to be Treason; for it is a thing of mighty consequence to know how long it is Treason to obey a King in possession, and when it becomes Treason not to obey him. In short, if a King can have a Right to a Country, and it be no Crime in those of that Country not to pay him Allegiance, it demonstrateth that Allegiance is not annex'd to the Title, but that it is due to the Person that does protect them.

Object. *Tho Time does not give a Right, yet the Acts, or the no Acts, that is, the Omission of some, may in time amount to a Resignation of the Right of the legal Prince to the Usurpers.*

Ans. I grant a man's Mind may be express'd by Acts as well as Words; yet it would be a very hard Case to condemn all those of Treason who have paid Allegiance to the Possessors, before they had sufficient grounds to believe the legal Prince or

or his Heirs had by their Acts (if such Acts could destroy the Right of the next of Kin) resign'd their and their legal Successors Right to the Usurper. In how few Cases is there reason for such Presumption? If till then all People should be oblig'd to be destroy'd rather than pay Allegiance, what a Destruction would it make in the World? Would it not in most Cases expose, at least the Good and Conscientious, to certain Ruin? And others could not preserve themselves without a Sin, the reward of which is Damnation.

Long Possession is not at all necessary to justify the Peoples Obedience; for that very moment the People receive Protection and Defence from the new Powers, they ought to pay them the same Allegiance as if they had been in possession of the Government a thousand Years. The less time a Nation has been settled, the more need it has of Rest and Peace, and the more dangerous would any violent Revolution be.

CHAP. X.

Of Protection.

BY opposing those in possession of the present Government, the ill-affected act not only against the Preservation and Happiness of the Nation, but are guilty of the basest and foulest Ingratitude, by endeavouring to destroy those Persons to whose Protection they owe their Preservation, and the safe Enjoyment of what they have. Who else secureth them from being stript and plunder'd of all they have, their Wives and Daughters ravish'd, and perhaps they and their whole Families murder'd? What better usage could they expect, if they were left to the mercy of the Rabble, or to the Discretion of every one to use them as they pleas'd? Can any Man in his Conscience think he is oblig'd to destroy those Persons from whom he receives such Benefits? Is it not Serpent-like to sting that Bosom that warms them? Is this all the grateful Returns they can make to the Father of their Country? For if that Command of *Honour thy Father and Mother* extends to Governors, since they do not beget their Subjects, it must be for protecting and defending them, that that Title is due: Therefore it can be due to none but those in possession, for none but they do protect and defend them.

Could they justly blame the Government if it did not protect them, who make it their business to ruin it, when too without their being protected, they would quickly be reduc'd to a Condition of not being able to give it the least disturbance? What favour can they justly expect, when they not only disown the Government, but think themselves oblig'd in Conscience to make War upon the Society that owns it? Nay, they are actually in the state of War, and only watch for an Opportunity to fall on. What Excuse can a Government have for endangering the Commonwealth by protecting those who are no part of it, but are profess'd Enemies to it?

It is a cruel Mercy to endanger a whole Nation for the sake of its Enemies. Nay, why should they have more Favour than foreign Enemies? It is so far from being an Excuse, that it aggravates their Crime, that it is to their own Nation they are Enemies, and that it is in their own Country that they are endeavouring to raise a Civil War. Tho they were still Members of the Body Politick, yet, as a Man is oblig'd to cut off any of his Limbs to preserve the Body Natural, so the Government is oblig'd to do the same for the Body Politick, if it be necessary for its Preservation.

It is frequently urg'd by the *Jacobites* and their Favourers, that what they do is upon the account of Conscience, and therefore they ought not to suffer for it; which is but a sorry Reason to hinder the Government from taking all necessary means to preserve itself, and to prevent the ruin of the Nation. But this Argument looks very odly from them who were so zealous to persecute others about things, in which neither the Honour of God, nor the Good of the Commonwealth were concern'd. It is as absurd as sinful for any to persecute their Brethren on pretence of Religion, for things which they themselves own to be no part of Religion, but merely in themselves indifferent. But to return.

Jacobites
have no
pretence to
any legal
Right.

If they will not be thought Enemies to the Society, but part of it, ought they not to act equally with the rest for the Peace and Quiet of it, and submit to the Head, that rules and governs it? How can they pretend to be Members of the Society, and consequently claim any civil Rights by being so, without owning the actual Government that makes them Members of the Society? Do they not, by disowning the Government, renounce the benefit of the Laws (which only can be put in execution by the Government) and out-law themselves? How can they have any more Right to the Protection of the Government, if they out-law themselves, than if the Government, by putting them out of its Protection, had out-law'd them? So that it is wholly by the favour of the Government (for they have no true pretence to them) that they enjoy any legal Rights. If they think they should be severely dealt with, if the Government did not protect them, why do they not what is necessary to inable the Government to protect them? If they will the Consequence, the Protection of the Government, ought they not to will the Antecedent, all that is necessary to it? And if it be lawful to desire and to receive the Advantages which flow from Government (which I suppose no *Jacobite* will be so hardy as to deny) why must not the Means that are necessary to obtain these Advantages, be so too?

Obedience
and Protection
mutually bind.

How can they that are willing to be protected by any Person, be unwilling (except they desire Contradictions) that that Person should have a Power to govern them, because without such a Power he cannot protect them? and they that are willing to receive an universal Protection, are presum'd to be willing to pay all Obedience that is necessary for that end; which is an Obedience as universal as the Protection they expect. It is evident, that he that is willing to receive an universal Protection from a Government, is willing that the Government should have a coercive Power over all others, to restrain them from injuring him; and that it should have sufficient Authority to do Justice, and oblige all People to pay Obedience to the Laws, when they are put in execution for his sake, because in it wholly consists his Protection: and he that is willing the Government should have Power over all other People upon his account, ought to be willing the Government should have the same Power over him, for the sake of others, except he would be the only Man in the Nation without Government; and is unwilling to do that himself, which he would have all others (whatever their Principles are) to do.

Jacobites
have the
Protection
of the Government,
tho they
disown it.

If the *Nonjurors* do desire to be protected, and do actually receive the Protection of the Government (tho at the same time they pretend it is against their Consciences) it is manifest they do own the Government, and by their Actions consent to submit to it: and what force can a Protestation have against their own Acts?

Do not the *Jacobites* upon all occasions fly for Protection to the Government, and apply themselves to those Ministers, as legal Officers, who act by no other Authority than their Majesties? And have they not constant recourse to the Courts, whose Proceedings are in their Majesties Names and Authority? Do not all Writs run in their Names, and do they not prosecute People in their Majesties Names as acting against the Crown and Dignity of our Sovereign Lord and Lady King *William* and Queen *Mary*? &c. And do they not apply themselves to the King's Ministers, for the benefit of those very Laws which are enacted by the present Government, and by consequence own the Authority that makes them? How then can they own the Ministers, and not own the Authority by which they act? And if the taking a Commission from the King for the administration of publick Justice, or in defence of the Kingdom, be owning the Authority of the King, why must not the complying with them, as such, be owning the Authority by which they act? But if they don't own the Ministers to act by lawful Authority, then they must confess their Sentences are so many Robberies and Murders, because they have no just Authority for what they do; and they make themselves accessory, since it is at their Request they commit them. Is it not esteem'd by all Laws owning the Authority of a Court, to appeal to it? Is it not owning the Pope's Authority, to appeal to him, or any commission'd by him? Is it not by the Law of Nations, and an universal consent of Mankind, an acknowledging a Government, to receive Protection from it?

Do not all that go into a foreign Prince's Dominions, during their stay, by receiving the Protection of the Government, own themselves subject to it (except Ambassadors, over whom Sovereigns have agreed to suspend the exercise of their Right) and are they not oblig'd equally with the Natives, to pay Allegiance; and alike guilty of Treason, and so try'd, if they attempt any thing against it? And upon this Head, all private Attempts upon a Prince in his own Country, have been abhor'd

abhor'd by all Nations ; and those that design'd any thing of this nature, have not been treated as just Enemies, tho in time of War ; because the Presumption is, they enter as Subjects into the Dominions of that Prince that protects them.

If applying to a King, as such, for his Protection, and receiving it, be not owning his Authority, Princes have but a small security for the Obedience of the greatest numbers of their Subjects, who have no otherwise oblig'd themselves to own their Government, but by receiving Protection from them.

The denying, that addressing to a Government for Protection, and receiving it, is owning that Government, lays a mighty gap open to Rebellion, by destroying the Obligation of all Allegiance, but what is built upon verbal Promises ; so that *The Absurdities of the Jacobites Principles.* Men of these Principles ought to be look'd upon as Enemies to all Order and Government.

By examining what it is that gives Government a Right to the Obedience of Men, who are by nature free, it will the better appear what Right the present Government has to the Allegiance of those it protects.

The reason that is usually given, why People are oblig'd to obey any particular Government, is (no Prince being so ridiculous as to pretend a Right, as the First-born in a direct Line from *Adam* or *Noah*) because it was the intent of those who first form'd the Society, that such Persons, and their Successors (if they made the Government hereditary) should have a Right to govern the Nation for ever. But how could they, whose Authority with their Being ceas'd so long since, oblige the Consciences of those who were not then in being ? Or how could any Acts or Compacts of their Ancestors take away the natural Liberty of those that were born so many years after, and who have the same Right to Freedom as they had ? Or how could their Compacts oblige those that are not descended from them, but come from other Countries into the Society, and make it a sin in them not to obey the present Governors of any Society, upon whose Authority alone, and not upon the Founders of the Society, depends the validity of all former Laws, which can only bind, because it is the Will of the present Powers they should ? otherwise no Laws could be repeal'd, if their very Being did not depend upon the Pleasure of the present Supreme Powers, who design they shall oblige, until they declare the contrary.

Others say, That being born in a Country makes one a Subject for all his life to the Government of that Country : but why should being in a Country, by being born in it, make one become a Subject, more than being in the same Country at another time ? Besides, common Experience shews this to be false, because whoever is born in a Country where his Parents are Foreigners, may, as it is allow'd by all, leave that Country when he pleaseth. But perhaps it may be said, he is a Subject to that Prince where his Parents were born. What if they were born under the same Circumstances ? Or suppose his Parents are of different Countries ; as if a *Dutch* Woman and an *English* Man have a Child in *France*, since *France* does not pretend to him, which of the Nations can claim him for their Subject ? Or must he be divided ? So that the Difficulty still remains, how People come to be oblig'd to obey any particular Government ? Which I think can only be thus solv'd.

Every Person, tho born free, yet he is for the sake of his own Safety oblig'd to part with his Liberty, and put himself under the Protection of Government. Nor can he be secure in what he enjoys but by it. Nor can he have a Right in a Country (that is already possess'd) to any thing, but by owning the Government of that Country. And by pretending to the Privileges the rest of the Society enjoy, he has own'd himself a Member of the Society, and a Subject of the Government of it. And this is the only way that any (except by verbal Promises) consent to become subject to Government. *What makes one a Subject in a Country.* *Owning a Government is to consent to be subject to it.*

The Consent of particular Persons being separately and singly given, unthinking People take little notice of it, and suppose they are as naturally Subjects, as Men ; and consequently, that they have no more right to free themselves from their Subjection, than from their human Nature ; nay, must suffer themselves to be destroy'd rather than endeavour it.

But it may be objected, If a Man is no ways bound to a Government but by his own Consent, and if the Acts of his Ancestors no way oblige him, he is not bound to stand to their Divisions of the Lands, but he may, *pro virili*, put in for a Share, as he might when all things were in common.

Answ. If it would be Injustice in any one to go into a foreign Country, to the Laws of which he is not bound, and seize any Land in it, on pretence that the Di-

*The first
Possessors
Right.*

visions of the Land were formerly made by People whose Acts could not oblige him, and therefore he had as just a right as any of the Inhabitants to a share in the Land; if this were injustice in him, why is it not so in one born in that Country? What Right can he, that comes from no other place, but from nothing, pretend to, more than he who at first came from another Country? If a Country be wholly possess'd and occupy'd (which by the Law of Nature, antecedent to all human Laws, gives a Right) by being improv'd and cultivated by the Labor and Industry of the Inhabitants, who are so very numerous, that the Land does not produce without vast labor sufficient to maintain them; what Right can any that comes into this Country, either by being born in it or any other way, have to their Labor, by usurping any part of this Land, which was long since possess'd and divided amongst the Inhabitants, who having a full power over their own Properties, might subject them to what Laws they pleas'd (and which the Legislative Power may still continue) and permit none to have a right to them, or enjoy any Advantages by them, or so much as to be in the Country without owning the Government of it? And it is highly reasonable, that no Government should suffer any to remain in its Dominions, who will not own its Authority, or be subject to the Laws of the Country. If it were unjust before Lands were divided, to have rob'd any one of the Fruits of the Earth, that he by gathering had made his Property; why should it not be as much injustice to seize upon that Land, which is now as much another's Property, as the gather'd Fruits were then? But I shall speak no more upon this Subject, because it is, in his *Essay of Government*, so fully handled by that wonderfully Ingenious and Judicious Author, whose Works of all sorts one cannot enough commend.

*Natural
Allegiance.*

Whatever Society people chance to be Members of, whether it be their native or any other, they are during their stay equally oblig'd, for the sake of the Protection they receive, to pay Allegiance to the Governors of that Society. It is not material, whether they enjoy Properties for their lives, years, weeks or days; the greatest part of the Natives have no more Properties, or enjoy no greater Advantages by the Government than Foreigners, yet they are oblig'd to pay the same Allegiance the rest of the Society do.

But here it may be objected, That there is a natural Allegiance due to the Governors of the first Society men are of (which cannot be due to any other) without whose Consent they cannot leave the Society, and when abroad are oblig'd, when they command them, to return.

*Foreigners
how Sub-
jects.*

Man being born free (that Distinction of legal and natural Allegiance being wholly groundless) is still Master of all that Liberty he has not parted with; and if the Laws of the first Society, to which he has consented by being a Member of it, have not oblig'd him not to leave the Society without the Consent of the Governor, he is at liberty to transport himself into what Country he pleaseth, and to stay in it as long as he pleaseth. It is for the Interest of Mankind that they should not be debar'd the liberty of living where it is most for their Interest: and because Nations could not maintain any Trade or Commerce one with another, if People that went from one Country to another, had not a power to return when they had a mind to it; that Liberty, by the Law of Nations, is equally allow'd to all. They, it is true, who have left a Country, whether it was that they were born in or any other, yet as long as they enjoy any Property in it, are oblig'd, if they intend to save their Property, to leave all other Countries, when commanded. Men oftner having Properties in their native than in any other Country, has given occasion to some to conclude, That there was a natural Obligation on them to return when commanded: But there can be no reason assign'd from Nature, why more Allegiance should be due to the Governors of that Country in which they were born, than to the Governors of that Country they afterwards voluntarily go into; where for the Protection they receive, they are oblig'd to pay the same Allegiance as they did when they were in their native Country. And if a foreign Prince should get the power of protecting them in their native Country, they would be oblig'd to pay him the same Allegiance as they did when under his Protection in another Country; because in each Country the Protection is the same.

Tho they that reside in a foreign Society are equally subject with the Natives to the Laws of it, and by opposing the Government would be equally guilty of Treason; yet if during their stay, any Alteration happens in the Government contrary to the Laws, they never scruple to pay Allegiance to him that gets possession of the Government, tho his Title be ever so illegal. I see no reason why they should not

not do the same in their first Society, since whatever Society they are in during their stay, they are equally oblig'd to obey the Laws of that Society.

Are not these Reasons as strong for paying Allegiance to the present Government? Can any man enjoy the Privileges of the Society, without being a Member of the Society? Or can any one be a Member of a Society, without owning the Head of it, or paying Allegiance to him? Or is there any other Head that rules and governs the Members, but the present King? Is it not by his Authority, that the Members of the Society receive an universal Protection, as to their Lives, Liberties and Estates, under whose Government they are, or else they are under none, but in the state of Nature? And there is no Reason or Law, to oblige People to remain in a state so inconsistent with their Happiness. And it would be injustice for any to remain in that state, because they would be their own Judges in all the Disputes they had with others, who were willing to refer their Differences to a standing impartial Judg; nor have any been guilty of it, but all, not excepting the *Jacobites*, by making use of the Protection of the Government, have left the state of Nature, and have own'd themselves subject to it. After this, what pretence can any Member of the Society have of refusing to pay their Allegiance to a King, whom they have all along by their Actions own'd, and by whom they have been secur'd from groaning under the worst of Slaveries, which had been to them the more intolerable, because of the great Liberty and Freedom they before enjoy'd? So that all the Reasons that can well be imagin'd to oblige People firmly and intirely to any Sovereign, do conspire to tie them up in the strongest Bonds of Allegiance and Fidelity to the present King and Queen.

*Jacobites
owe their
Protection
to the Go-
vernment.*

By what hath been said, I think it is evident, how absolutely necessary it is for the good of Mankind to submit to those Persons that are capable of protecting them; and that applying to them for Protection, is acknowledging their Government and Authority; and that the *Jacobites* in using the Protection of the Government, and at the same time opposing it as far as they dare, act basely, treacherously, ungratefully and inconsistently.

But they that oppose the Government after they have sworn to be true to it, break all Ties both Sacred and Civil: for if neither their Oaths nor the good of the Society they pretend to be Members of, nor the Duty they owe the Government for protecting them, can oblige them; no Bonds whatever (for these are the most inviolable) can hold them. How can any Prince or private Person trust them, since they have destroy'd all manner of Security, Trust and Confidence men have in one another? All the Answer to this (I mean of the Non-swearers, for the others are not capable of giving any) is, That they act upon the presum'd Consent of the outed Prince, who, they suppose, is willing they should obey the present Government in all things which are for the good of the Society and their own Preservation, provided it be not contrary to his Interest. Which Answer is not at all to the purpose, because it supposeth they are still oblig'd to disturb the publick Peace, and raise Civil Commotions for his Interest, and not to own the present Government, tho it should be absolutely necessary for their Preservation.

Can any Civil Society be preserv'd, if private Men are oblig'd not to obey those that actually govern it, except they think it for the Interest of a Person who is a declar'd Enemy to the Society; and when every thing that tends to the Support and Advantage of the Society, because it makes the present Government more potent, must be against his Interest? What if the late King has no other way to regain his Throne but by the Ruin and Confusion of the Nation? Must the *Jacobites* assist him in ruining the Nation? as it is plain by their Principles they are oblig'd to do; for if once they think they are oblig'd to act against the good of the Society by raising a Civil War, it is certain there is no mischief, provided it be for his Interest, that they ought to stop at. And it is plain by their rejoicing at any publick Calamity which happens to the Nation, that they are ready, if they thought it at present for his Interest, to fire all the Towns in *England*, or act any more horrid Villany. But if they disown these Principles, and say they are oblig'd to act for the Preservation and Good of the Community contrary to his Interest and Consent, then they are oblig'd to obey the present Government, because that is for the good of the Community, and for the Safety of particular Persons; who if they have the late King's consent to do such Acts as necessarily infer the owning the Authority of the Government, they have his Consent to own and obey the Government: And then according to their own Principles, they can have no pretence of denying Allegiance to it. If such Acts do not amount to an owning the Authority of the Government,

*Jacobitism
against the
Laws of
Self-Pres-
ervation.*

ment, then most People never own'd the late King's Authority, because they own'd it no other way than by receiving Protection from him.

*Jacobites
in Places of
Trust.*

It is strange that not only those that receive Protection from the Government, but even those that have thrust themselves into Places of the greatest Trust, and consequently have the greatest Obligation to bear true Allegiance to their Majesties, should own they have no Right to it: and the greatest Compliment they can give them, is, That they are King and Queen *de facto*; which in other words is calling them Usurpers; and is, even whilst they are their Servants, owning themselves Subjects of the late King. Men of such Principles cannot accept of Places of Trust, but for very base Ends: for they must either design to act against their Consciences in acting against the Interest of him they esteem their lawful and rightful King, or else they must design to betray their Trust in acting for his Interest; which, when it is their own Interest too, and they may have what price they demand for betraying their Trust, there can be no doubt but they will endeavour to serve him who they think has the right Title to their Allegiance. The fatal Consequences that have happen'd to the Nation upon trusting Men of those Principles, have too well demonstrated the truth of it. But to return.

If doing all those Acts the Malecontents do in order to the securing their Persons and Properties, be not owning themselves Subjects of the Government, there was no reason for Mankind to have submitted to and own'd any Government; since according to their Principles they could have all manner of Protection and Defence without any Government: because they, as they pretend, enjoy Protection from the Government, without owning its Authority over them, or any Duty in them to obey.

CHAP. XI.

Of Oaths of Fidelity.

PERhaps it will be said, *Tho upon supposition that there is no reason why People should pay Allegiance any longer than they are protected, yet if they have otherwise tyed themselves by their Oaths, they are in Conscience oblig'd by those Oaths.* But I answer,

Such Oaths, if ever such were impos'd, would be so far from binding, that they would be null upon the account of the Sinfulness of them, as being directly against the good of human Societies. In all Promises and Oaths concerning things that are not moral, this tacit Condition is always included, of their not being, or upon alteration of the Circumstances becoming contrary to the publick Good: and this is without all doubt to be observ'd about Government, because it was instituted for no other reason but the publick Good.

*Oaths alter
not the na-
ture of Al-
legiance.*

Oaths do not alter the nature of Allegiance, or make it due where it was not before, or any ways extend it, but only add a new tie to pay that Allegiance which is due upon the account of Protection. He that lives under a Government, tho he has not sworn to it, owes it the same Allegiance as he that has; and if he should deny his Allegiance to it, would be equally guilty of Treason, tho not of Perjury. It is evident by the universal Practice of Mankind, that no Subjects ever thought themselves oblig'd by their Oaths of Fidelity, which Governments have constantly impos'd on them, when they ceas'd to be protected by them. The Legislative Power, especially where the People have a share in it, are presum'd to recede as little as possible from natural Equity, and to design by imposing such Oaths, the Good and Preservation of the Society; whose Interest it is, that they that have the publick Administration of Affairs should not be disturb'd. But it is not at all material whether this or that man, provided they are well manag'd, has the direction of them: Nor can it without the greatest absurdity be suppos'd, that such numbers of men as Societies are compos'd of, who are by nature equal, should oblige themselves by the most solemn Ties to become most miserable, by living without Protection; nay, to lose even their Lives rather than own the Government that can protect them, for no other reason, but barely an extraordinary fondness to one of their number, to give him not the Necessaries or real Conveniences of Life, but only an Office (for Government is no other) which is but an imaginary Happiness: For if Government were a real Happiness to the Persons that possess it, several upon

their

their parting with it would not have found themselves happier than before. That People should be true to those that have the Administration of Civil Affairs, is all that Oaths of Fidelity require; and it is evident by the words of it, that the late Oath of Allegiance requir'd no more; and to extend it further than the King in possession, is not reconcilable with the Reason, End and Design of paying Obedience, which is the Peace and Happiness of the Society, which can never be maintain'd, if People may, for the sake of a single Person, disturb him that has the Administration of their common Affairs; and it would require Impossibilities, because a private Person is incapable of paying Allegiance to a King when out of possession of the Government.

C H A P. XII.

Of the Act of Parliament of the 11 of H. 7.

BESIDES, no Act of Parliament ought to be so interpreted, as by bare Implication to destroy a former Act, as such an Interpretation would the Eleventh of Hen. 7. Chap. 1. a Law still in force, which does declare, *It is against all Law, Reason and Conscience, that Subjects, &c. any thing should lose or forfeit for doing their Duty and Service of Allegiance. Be it Enacted, &c. That no Person that attends upon the King and Sovereign Lord for the time being, and does him true and faithful Service of Allegiance, &c. shall any wise be molested.* What can be plainer, than that it is the Duty of every Subject to bear true Faith and Allegiance to the King in being? ^{King in possession} And to encourage them in their Duty, the Law does secure them from any manner of Molestation for the time to come, and declares it against all Law, Reason and Conscience that any should suffer upon that account.

The People would be in a most miserable Condition, should they be in danger of being hang'd for not obeying the King in being, or for obeying him to be punish'd by the succeeding Kings as Traitors.

The endless Quarrels, almost to the utter Ruin of the Nation, between the Houses of York and Lancaster, made the necessity of such a Law very evident: Tho this then was no new Law, but only declarative of the antient Law (for they suppos'd it before to be against all Law, as well as Reason and Conscience, that, &c.) By which Law it is plain, that a King in possession has the same Right to the Peoples Allegiance, as any King whatever; because no King has any other than a Legal Right to the Peoples Obedience, which this Law declareth is the Right of all that are in possession of the Government. And accordingly it has been the Opinion of the Lawyers, that Treason cannot be committed but against a King in possession; and there can be no Treason committed, but against him to whom Allegiance is due: and Acts of Parliament made in the Reigns of such Kings (tho not confirm'd by succeeding Kings) are valid, and oblige the Subjects, as much as those made by such as are usually call'd Legal Kings.

But it may be objected, *That if they who were instrumental in a Rebellion, may not endeavour to restore their Legal Prince, they put themselves out of a possibility of making Restitution.*

Ans^r. Those that unjustly deprive a King of his Crown, ought no doubt to restore him; but if another has got possession of the Government, by what has been said I think it is plain they ought to obey him. There can be no dispute, but they that were no way instrumental in the Revolution, but did their Duty in defending him in the possession of his Crown, were free from any Obligation as to him, when he had lost the power of protecting them; and were bound for the sake of their own Preservation to pay Allegiance to him from whom they receiv'd Protection, and oblig'd to defend him to the utmost: but if the rest of the Society who receive Protection from him are oblig'd to oppose him, then the Society must be divided, and of necessity run into Civil Wars, which is against the nature of Civil Societies, and inconsistent with the Duty of Self-preservation, which obligeth men not to expose their Lives, but to obtain a greater good than their Lives, which can only be the publick Good, not the single Interest of any one Person.

They that were instrumental in raising a Rebellion, were no doubt guilty of a very enormous Crime; but that which made it so was not barely the Injury they com-

Power to
protect,
challenges
Obedience.

committed against the Prince (to whom, if alone consider'd, the breach of a Promise in refusing to pay Obedience to him, could be no greater Crime than a breach of a Promise to another Person) but the fatal Mischief and irreparable Damage they did the Commonwealth: and a new Commotion in all probability would be more destructive; and a Nation by being so much weaken'd by the former, would be less able to bear a new War. It is a greater Sin, if the Persons themselves are only consider'd, to take away the Life of one man, than to deprive another of any worldly Advantage; it is only the Publick that makes it otherwise, but the Publick in both cases is equally concern'd, and the Consequences may be as fatal in disturbing the Usurper's Government, as that of a legal Prince. That which makes the Crime of Rebellion of so deep a dye, is, because Rebels put it out of their power to make reparation for all the Misery and Destruction a Civil War creates; nor is endeavouring to bring the same Calamities upon a Nation, a proper way to make them amends. If there be no other way to make reparation to their injur'd King, but by engaging the Nation in Civil Wars, they ought not to attempt making him reparation by such unlawful ways.

The not restoring a Person to the Crown that he is unjustly depriv'd of, can only be consider'd when the Publick is no longer concern'd in his Actions, and the Affairs of the Nation are manag'd by other Hands, as an Injury to a single Person; and the greatness of the Injury is to be judg'd not by the Value of the thing it self, but what he that is unjustly depriv'd of it suffers by the loss of it. What is absolutely necessary for the Subsistence of one Person, may be but Superfluities to another; and as the Widow's Mites were greater Charity than what the Rich out of their Abundance gave, so the robbing her of them, because she could less spare them, would have been a greater Injury, and consequently a greater Sin, than robbing a rich Man, that could better spare it, of a thousand times as much.

Tyrants, it is true, rob great numbers of the Conveniences, and very often of the Necessaries of Life; but Usurpers only hinder single Persons from enjoying not the Necessaries or Conveniences of Life, but Superfluities, because all the Necessaries, and even Conveniences of Life, can be had without a Crown. Yet the Usurpers, without all dispute, if they can without any Injury to the Publick, ought to restore the Government to those from whom they do unjustly wrest it; but if they do not, Subjects for the sake of Government, to which Sacred Ordinance Obedience by God himself as well as Man is annex'd, ought to submit. Christ and his Apostles make no distinction, but command Obedience to all in possession, by annexing God's Authority to the Office of governing.

C H A P. XIII.

Of Proofs of Scripture concerning Obedience to those that actually administer Government.

CH RIST in the Directions he gave, *Mat. 23.* to his Disciples, and to the Multitude about their Behaviour to the *Scribes* and *Pharisees*, requires Obedience to be paid them only upon the account of Possession; saying, *The Scribes and Pharisees sit in Moses's Seat, all therefore whatsoever they bid you observe, that observe and do.* And he gives no other reason for this great Obedience in doing and observing whatever they command, but because they sat in *Moses's* Seat; that is, were possess'd of *Moses's* Authority, who in the Theocracy was the chief Magistrate. Not that the *Scribes* and *Pharisees* had so great a Power as *Moses*, but as far as they did enjoy his Seat, Throne and Authority, so far they were to be obey'd: They were then the greatest, as well as chiefest part of the grand *Sanhedrin*, which in all Causes where the *Romans* had left the *Jews* to their liberty, had the Supreme Power both in Civil and Ecclesiastical Matters. (There were not in the *Jewish* Republick two distinct independent Powers, one for Civil, another for Ecclesiastical Causes.) If the People were then oblig'd to pay so great Obedience, barely upon the account of Possession, why may not the same Direction serve for a standing Rule to the Multitude in all times? And not only to the Inferiors, but even to the Supreme Magistrate himself, Christ requires Obedience upon no other account but that of Possession.

The meaning of sitting in Moses's Chair.

possession. If *Cæsar* be in possession of the Empire, as it did appear by his coining of Money and stamping his Image upon it, that being a Mark of Sovereignty and Empire, but not of any legal Title to it; then *Cæsar* is to have Tribute and all other parts of Allegiance paid him.

And *St. Paul* in expresse terms requires Obedience to the Powers that be, and declares there is no Power but what is from God. The Jews being influenc'd by the Priests and Pharisees, who because they were oblig'd by their Law to place no Stranger over them, scrupled to pay Obedience to the *Roman* Emperors, because they were Strangers and not capable of a legal Right; not considering the Law did not oblige them but when it was in their own choice, and not when they were under the Power of the *Romans*, to whom for the sake of Protection they were oblig'd to pay Obedience; *St. Paul*, to take away these Scruples, assures them all Powers are from God. If *St. Paul* had only meant legal Powers, since none but Jews were capable of being such, he had confirm'd the Jews in their Error. But the Reason why *St. Paul* obliges men to submit, will demonstrate that all actual Rulers are meant, and none but they, because they alone are a Terror to evil Works, and a Praise to the Good; none but the actual Ruler is a Minister of God, a Revenger to execute Wrath upon him that does evil, or a Minister of God for good. What can more fully demonstrate that the Reason of Obedience is for the Benefits men receive by Government? And what makes the Crime of resisting them so great, is, because men oppose those by whom they receive so many Advantages: It is, because they have the Power of the Sword (which includeth all manner of Punishment) by which they secure and protect all their Subjects from all manner of Injury and Violence of ill Men; and being Ministers of God for good, includeth all the good they receive both to their Persons and Properties: for which cause you pay Tribute also, for they are God's Ministers continually attending upon this very thing. It is their dispensing these Advantages to mankind, that makes them God's Ministers and God's Ordinance; the Scripture affirming those things that are necessary for the good of Mankind to come from God, as plowing and sowing, *Isa.* 28. from Verse the 23^d to the 29th. If it once be known, as the discovery cannot be difficult, who it is that beareth the Sword, who administers Justice, who rewards, and who punisheth; if the Apostle's word is to be taken, Subjection is not only due to him for Wrath, but for Conscience-sake. And the same Apostle exhorts, That Prayers be made for Kings, and all in Authority, that we may lead a quiet and peaceable Life in all godliness and honesty. These Reasons can only concern those that have actual Power and Authority, by whose protection those that live under them may lead such lives; and if it be our Duty to pray that we may lead such lives, it must be our Duty to enable them that have Authority over us, to secure us in the enjoyment of a peaceable and quiet Life.

St. Paul requires Obedience to the Powers that be.

Do the Principles or Practices of the *Jacobites* suite with this Doctrine? who instead of praying for those in Authority, make it their business by opposing them, to destroy not only our Quiet and Peace, but even all Godliness and Honesty too, by endeavouring to set up again a Popish Governor, and by consequence to introduce a Religion whose Principles are destructive of true Godliness and Honesty, as well as the Peace and Quiet of the Professors of them. And *St. Peter* for the same Reason requires people to submit to the Supreme Magistrate, whom he calls the Ordinance of Man; so that it is plain, that God by approving this human Ordinance, approves it as human, and requires Obedience to it for the same Reasons that men at first instituted it. And it is the power Governors have to do Good, that makes them to be not only God's Ordinance, and God's Ministers, but even Gods: for since they are not Gods by nature (tho by some peoples arguing one would suppose they thought them such, or at least Beings in themselves superior to the rest of Mankind) it must be for the protection they afford that they are term'd so; who when they do no longer protect the People, cease to be a human Ordinance, and then too they cease be a Divine one: And the same Reason that obliges People to submit to them, when they act for the good of the Society, does as much oblige people to oppose them, if they design to ruin and destroy them. It cannot well be suppos'd, that God who has oblig'd Mankind to preserve their Lives, and consequently to use the Means that are necessary for that end, should require People to suffer themselves to be destroy'd, to gratify the Lust or Barbarity of a single Person, or a few, who are by nature but their Equals, and only above them by being in an Office which they erected only for their Convenience.

Power of doing good God's Ordinance.

Object. St. Paul makes no manner of exception, but declareth, Whosoever resists shall receive damnation.

Ans. The Apostle requireth Obedience to Parents in all things; so he requireth Obedience to Masters, Husbands, Pastors, without mentioning any Exceptions; so here the Apostle (which was sufficient for his purpose) declareth, all people ought to obey the Supreme Powers, without mentioning this Exception, which from the Nature, End, and Design of Government, and even from those Reasons which he gives for Obedience, does necessarily flow.

It cannot be presum'd that Christ gave Authority to his Apostles to make Slaves of Mankind, by giving the Emperors a new Power, who before by no Law of God or Nature had such a Power over peoples Lives. All the Power the Roman Government had, was immediately from the People; who, as it is plain in History, by their mutual Consent erected that Commonwealth: and what Power the Emperors had, was given them too by the People, who by the *Lex Regia* conferred it upon them.

All that can be deduc'd from Scripture is, That Obedience is due to those that protect the People; and nothing can be plainer than those Texts which require it: By which plain and ignorant People may know their Duty as well as the learned and wise. It would have been inconsistent with the Goodness of God to have requir'd Obedience on the greatest Penalties, and yet leave it so uncertain as the *Jacobitish* Principles would render it, to whom Obedience is to be paid. What can be more uncertain than generally Titles are? And are there not innumerable intricate Difficulties, about long Possession, presum'd Consent, a just Cause for a total Conquest, &c. If about these Points the Learned do so extremely differ, as any one may perceive that gives himself the trouble to examine what Authors have writ upon it, who give good Reasons for destroying one another's Hypothesis, but none for confirming their own, but what are liable to equal Exceptions; What means or possibility have almost all Mankind, the unlearned and common People, of knowing their Duty?

But it may be objected, *Tho the common People should be mistaken, invincible Ignorance will excuse them.*

How Ignorance excuses.

Ans. Not to dispute how far such Ignorance will excuse them; I am sure it is inconsistent with the infinite Wisdom of God, to give such Rules as almost all Mankind are utterly incapable of understanding, or guiding their Actions by. But whoever considereth these Texts of Scripture, will see the falseness of such impious Reflections, and must admire the Goodness of God in laying down Rules so plain, that a well-meaning Man cannot mistake them. But if Men will be wiser than God himself, and not be content with those Laws he prescribes them, but will invent new Rules and new Ways; or by following the Tradition of the Jewish Priests, will disturb the Peace and Quiet of human Societies, by opposing the Powers that be: If by so doing they incur the severest Punishments here, as well as Eternal Torments hereafter, with those damn'd ill-natur'd Spirits, the grand Enemies of Mankind, who at first possess'd men with these Maxims so pernicious to human Societies, they must thank themselves and their too great Subtilty.

Primitive Christians great Compliers with Revolutions.

The primitive Christians all along comply'd with the Revolutions of the Empire, and whoever was in possession of it, without examining his Title, paid him Allegiance, and thought him invested with God's Authority: And as the *Goths* and *Vandals*, and other barbarous Nations on the one hand, and the *Saracens*, *Turks* and *Persians* on the other, without any just Cause overturn'd the *Roman* Empire; the Christians were so far from disputing their Titles, or refusing to transfer their Allegiance to them, that they never scrupled to own their Government. If these Pharisaical Notions had then been believ'd or practis'd, those Nations would have extirpated all the Professors of Christianity as Enemies to Government and Order, instead of being converted to their Religion, as most of the Northern Nations were. Nor do the Christians that now live under the Dominions of the Infidels vary from this primitive Practice, or scruple to transfer their Allegiance to any that gets possession of the Sacred Office of Governing, tho the legal Prince be still alive. Did not the Jews, tho they were commanded by a Divine Law to take a King from amongst their Brethren, and God himself had intail'd the Crown on the Posterity of *David*, practise the same as they fell under the Power of the four great Empires? And did they not submit to *Alexander* without endeavouring to oppose him, when *Darius*, to whom they had sworn Obedience, could no longer protect them?

I shall add but one Instance more, and that shall be of *David*, who thought it not unlawful, when *Saul* design'd to take away his Life, to transfer his Allegiance, and fly to *Achish* King of *Gath* for protection, who made him Keeper of his Head, or Captain of his Guard; and whilst he was under his protection, he thought it his Duty to pay all manner of Allegiance to him; and (tho contrary to his Interest, and the hopes he had of being King after *Saul's* death) even to join with the Uncircumcis'd to invade his own Country, and to fight against the *Lord's Anointed*, his late King and Father-in-law; and, as appears by 1 *Sam.* 29. 8. was much griev'd, and humbly expostulateth with the King for not permitting him to attend him in the Battel; *But what have I done? or what hast thou found in thy Servant, so long as I have been with thee until this day, that I may not go and fight against the Enemies of my Lord the King?* *Saul* by designing to destroy *David*, had freed him from the Allegiance he owed him; for he that designs to destroy a Person, cannot have a mind to govern that Person; and if he will not govern him, he is free from his Government, and at liberty to pay his Allegiance where he thinks best. And if *David* expected from the King of *Gath* an universal Protection from all his Enemies, he ought to pay the King an universal Obedience.

The Case of
David un-
der Saul.

David had
protection
from the
King of
Gath.

If a private Person be freed from the Government that designs to destroy him, the Argument will hold as strongly in behalf of a Nation that is design'd to be destroy'd; and whoever attempts it, does not only renounce the Government of the Nation, but puts himself in a state of War, and declares himself an utter Enemy to them, who are as much oblig'd to resist him, as they are any other Enemy.

Upon this Head the Jews, in the time of the *Maccabees*, took up Arms against their legal King *Antiochus* (whom they all along acknowledg'd as such, and who was Successor to *Alexander*, who had the same right to their Obedience as the *Persians* or *Assyrians* had) who was resolv'd to extirpate them if they would not turn Idolaters. And it is manifest that God by the miraculous Assistance he gave them (for what they did must be imputed to more than human Force) did approve of their Design. And the same Reasons will justify any Nation for opposing that Prince that does endeavour upon a religious or any other Account to destroy them.

The prac-
tice of the
Macca-
bees.

By what hath been said I hope it is plain, that by the positive Law of God, by the Law of right Reason, by the Law of Nations, the universal Practice of Mankind, and the express Law of the Land, Obedience is due to the King who does actually govern the People, and therefore to the present King and Queen, tho they did not enjoy the Crown (vacant by the late King's Abdication) by any legal Right; which Right I think has been sufficiently demonstrated by those that have writ on that Subject, at least to Lawyers, and men that are competent Judges in such Points; of which a great many are no more competent Judges, than they are of Mathematical Demonstrations, which are nevertheless Demonstrations: but none can be mistaken who they are that do actually govern the Nation; and if Obedience for that Reason be due to them, other Inquiries are needless.

Therefore I shall only add, That nothing could be more Just, more Glorious, more Meritorious, than the Prince's coming over to rescue three Nations from Slavery and Ruin, by obliging the late King (which by all possible ties he was bound to) to govern according to Law: To which he was so averse, that he resolv'd not to govern at all if he could not govern Arbitrarily; which when he plainly saw he could not effect, he threw up the Government: Which, whatever Force may be pretended, must be esteem'd a voluntary Action, because he might have prevented it by governing according to Law; according to that known Axiom, *Involuntarium ex voluntario ortum habens moraliter pro voluntario habetur.*

The Throne being actually vacant by his deserting it; What Reason could hinder the Prince from accepting what was his Right, when offer'd him by the Convention of the States of the Kingdom? who (when the Throne is actually vacant, and it is not clear whose Right it is) are, and have always been, the sole proper Judges to determine to whom it belongs; whose Judgments must give a legal Right, because all legal Rights are held by no other Tenure than the Decree of the Supreme Judges.

The Nation
the only
Judg of the
Vacancy of
the Throne.

But supposing the King had no legal Right, and that the Convention were not legal Judges; yet if chosen by the Nation, to determine, upon the late King's leaving it, what was necessary to be done for the preservation of the Nation, it being necessary that somewhat should be resolv'd on; that Necessity would give them a sufficient Right to do whatever they found necessary for the preservation of the Nation: Because no Nation can be brought to that condition, but it must have a

Right to act for its own Safety, which it cannot do if it have not a Right to appoint Judges to determine what is to be done, and oblige particular Persons to stand to their Determinations.

Jacobites
against K.
J's return.

And the Convention ought, if they thought it (of which they were appointed the Judges) for the Safety of the Nation, wholly to exclude the late King. And why might they not, if they thought the Nation could not be safe if he should return, be wholly against his return, as well as the *Jacobites* themselves (for there were none of another Opinion then) be against his return, but upon such Terms and Conditions as they thought necessary for the safety of the Nation? And the same Necessity that will justify the late Archbishop for consenting to put the Sovereign Administration of Affairs into the Prince's hands, will justify the Convention for continuing it in the hands of the King, who alone could secure the Nation; and who had sav'd them before he rul'd them, and to whom it was owing that they could call any thing, even their Lives, their own. Which if it be not the best Title to a Crown, yet at least is the best Title to Peoples Hearts and Affections when he is possess'd of it, especially when the chief Advantage he gains by it, is but to expose his Sacred Person for the Security of the Nation: And the enlarging his Empire has only increas'd his Cares and Concerns for the Safety of those he governs: And all the Satisfaction he reaps (which to a God-like Mind is the greatest) is the Power to oblige and to do good.

K. William's Character.

The Nation is happy in having a King whom they can trust; not only because his Interest is the same with theirs, but because, as all the Actions of his Life have demonstrated, no Consideration of his own could ever divert him from acting what was best for the Cause he was engag'd in; and who is as famous for being true and just to his Word, as his Enemies are infamous for breaking their most Sacred Oaths, and Solemn Leagues. In a word, He is a Prince that has the Virtue, the Fidelity, the Integrity of *Cato*, as well as the Bravery, the Courage and Conduct of *Cesar*. Never did the happiness of the best part of Mankind depend more upon a single Life than now: Nations differing in Religion, and all things else, do unanimously agree in acknowledging him to be their chief Support, the Head, the Heart, the Hand of the Confederacy; and to him they confess that it is owing, that the Chains that have been ready to fetter *Europe*, have been more than once broken. To be the Preserver of *Europe*, is a much more glorious Title than to be the Conqueror of it: To which may be added the most excellent of all Titles, *The Defender of the Faith*; which (tho others have claim'd of course) he best deserves; since to him it is owing that the true Faith is publicly profess'd any-where, and in these Nations (which is a Blessing cannot be bought too dear) without Cruelty or Persecution: For a Nation is constantly in a state of War within it self, where one Party is persecuting and ruining another, about things which are in themselves indifferent, and no ways tend to promote the Publick Good. In short, There can be no advantage, but what the Nation may justly expect from a King so zealous to promote their Good, and so able to perform what he undertakes.

C H A P. XIV.

Some Considerations touching the Present Affairs.

BUT it may be objected, *How can the Nation propose any Happiness to themselves by this Revolution, since by it they are at so great Expence to maintain a War against so powerful an Enemy?*

The necessity of the present War.

Ans. The more powerful the Enemy is, the greater was the necessity of this Revolution; for if now the Confederates are scarce an equal Match for *France*, how easily would they have been over-run if *England* (which is the most favourable that could have been expected) had stood Neuter? And when they had been subdu'd, what could have hinder'd the *French* King, being then so potent both by Sea and Land, from conquering this Island? What opposition could the Militia, join'd with a few raw and unexperient'd Troops (for it is this War has made them otherwise) tho headed by a Commander of so invincible Courage as the late King, make against his regular and numerous Troops? But suppose the *French* King, who is so famous for keeping his Royal Word, would not have conquer'd *England* when he might; what could have hinder'd the late King, assisted by *France*, from using this

this Nation, as his Cruelty, Covetousness, Bigotry or Jesuits could have inspir'd him? **The French King**, had he been defective in so fundamental a Point of Religion, would have oblig'd him, as he did the Duke of Savoy, to have extirpated all the Hereticks. *England* would have been perhaps by this time a Rendezvous of French and Irish Apostolick Dragoons; or what is worse, a Nest of Priests and Jesuits. And what milder usage can the Nation expect if the late King, who is under such Obligation to *France*, and incens'd, as he thinks, by ill Treatment, should return? Ought they not, except they are ambitious of being roasted by a Smith-field Fire, or are in love with the manly Exercise of rowing in the Gallies, to do their utmost endeavour to stop the farther Progress of *France*, which only prevails because their Armies are more numerous? If there were more Forces rais'd (the Nation being so far from wanting Men, that it can spare thirty thousand, by easing the Parishes of those idle People who are burdensom to them) sufficient to equal those of the *French*; there is no reason to doubt but the *English* would beat them, as they have always done, when the Numbers have been any thing near equal, and force them to quit other places as shamefully as they did *Ireland*.

The Misfortune is not that we have now a War with *France*, but that it was so long delay'd; and whatever the Nation now suffers, they wholly owe it to the two late Kings, who instead of hindring when they might the growing Greatness of *France*, did under-hand assist and contribute, as far as they durst, to increase the exorbitant Power of that Kingdom. Tho the Charges of the War, it is true, are burdensom, yet they are common to almost all *Europe*; nor are they so great as some People represent them, since it does cause little or no alteration in Peoples way of living; the same excess in Apparel, and every thing else, and the Interest of Money being as low as ever (at least it would be so, did not the King's taking up such large Sums at so great an Interest, raise the Interest of Money even among others) are a demonstration of its Plenty: And the native Commodities of the Country bearing a much better Price than formerly, chiefly by reason so much is taken up for the King's use upon account of the Army or Fleet, must more than repay the Country for what it contributes to the War. The Taxes themselves are not so much a burden, as the unequal way of raising them, and obliging people to pay so much Money at one time; which cannot well be prevented but by an Excise, which would make them so easy and so equal, that they would hardly be felt. But if they were more burdensom than they are, paying of them for some time is absolutely necessary to preserve their All for ever.

The two late Reigns
advanc'd
the Power
of *France*.

In the primitive Times, the Christians (especially the Clergy) would not only dispose of their own, but even what was dedicated to pious Uses, and sell the Plate that belong'd to the Altar, to redeem a Soul from Slavery: Why should they not now be as zealous to secure Millions of Souls, three Nations, and their Posterity, from a Bondage both Spiritual and Temporal, worse than *Egyptian*; or at least encourage People by their Precept and Example, freely to contribute to a War upon which depends the Safety of the Church as well as State; a War so holy, that if the Cause alone could make them Martyrs, all that die in it are such?

But to conclude, I hope I have demonstrated, That it is the Duty of all People to bear true Faith and Allegiance to the present Government, by Reasons and Arguments which are as firm as Government it self, and which will endure as long as that, because built upon the same Foundation, *The Good of Societies*; and which may serve for Directions in all Changes and Revolutions, as well as for the Justification of that happy one, which (by the Blessing of God upon his Majesty's Heroick Endeavours) preserves us in the enjoyment of all our Happiness both Spiritual and Temporal.

AN

An Essay concerning the Laws of Nations, and the Rights of Sovereigns.

*With an Account of what was said at the Council-Board
by the Civilians upon the Question, Whether their
Majesties Subjects taken at Sea acting by the late King's
Commission, might not be look'd on as Pirates?*

Printed in
1694.

*With Reflections upon the Arguments of Sir T. P. and
Dr. Ol.*

By Mat. Tindall Doctor of Laws.

*Extreme
Malice of
the Jaco-
bites.*

THE Malice of the *Jacobites* is so restless, that it omits no Opportunity to raise Stories, tho' ever so false and improbable; scruples at no Means, tho' ever so base and dishonourable, to reflect upon and expose the Government. What have they not said against it, for designing to try as Pirates those who accepted Commissions from the late King, to take the Ships and Goods of their Majesties Liege Subjects? So strangely afraid are they, that People should be discourag'd from disturbing the Trade and Commerce of the Nation. And to make what they report the more colourable, and the injustice of trying them (contrary, as they say, to the known Laws of Nations) apparent, they have every where dispers'd false Accounts of what was said by those Civilians, who when consulted by the Privy Council upon this Question, *Whether their Majesties Subjects taken at Sea, acting by the late King's Commission, might not be look'd on as Pirates?* were of opinion, that by the Laws of Nations they ought to be so. Whose Reasons (besides all the Dirt imaginable that they have thrown on their Persons) they have so represented, by altering or leaving out what was most material, as to make them appear ridiculous.

The Duty I owe to the Publick, since no better Pen has attempted it, will oblige me to give an impartial Account of the whole Proceeding; which will be sufficient to wipe off all the Lies and Calumnies they have dispers'd, and to persuade all impartial Persons, that those who were taken acting by the late King's Commission at Sea, ought by the Law of Nations to be condemn'd as Pirates.

But that the Reader may better apprehend and judg of the Reasons that were urg'd on both sides, and of the Question it self; it will be necessary to shew what the Laws of Nations are, and how far Kings and other Supreme Governors are concern'd in them.

*Laws of
Nations in
the Case.*

The Laws of Nations are certain Rules and Customs observ'd by Nations in their Intercourse with one another; which upon the account of their evident and common Profit, as they are necessary for their maintaining a mutual Correspondence, have been constantly practis'd by them, and are esteem'd as Sacred. They are built upon no other Foundation than the general Good of Societies, to which a mutual Correspondence, that could not be upheld but by observing these Rules, is highly necessary.

The several Legislative Powers of Nations never enacted such Laws; nor have all other Nations Authority to oblige any Sovereign Independent State, which can no otherwise be bound to observe these Rules, but as they tend to the mutual Good of Societies. *Law of Nations described.*

So that the Law of Nations and Nature, is in effect the same. The Law of Nature (I mean that part of it which concerns the Duty of Man to Man) is nothing else but that mutual Aid and Assistance, which by reason of their common Necessities one Man owes to another, without the Observance of which Mankind could not well subsist. Which Law, as it respects the Duty of single Persons to one another, is call'd the Law of Nature; but as it respects Men collectively as they are Bodies Politick, and the relation they have to one another as such, is call'd the Law of Nations; who in respect of one another are in the State of Nature, and in their mutual Correspondence are bound by no other Laws than those of Nature.

Tho it is generally affirm'd by Authors, that there are many things which are merely positive, and in themselves indifferent, that are part of the Law of Nations; yet they no way endeavour to prove it, or pretend to show how long any thing must be practis'd, or among how many Nations, to make it an universal standing Law to all Nations.

In a civil Society, Customs grow into Laws, because it is the Will of the supreme Power they should. Customs are their presum'd or unwritten Will, which they by their express Will may alter as they please. But among different Nations, there is no common Legislative Power; but every Nation is at liberty to act as it pleases. Nor can any Nation be presum'd to tie it self up further than their own, or the common Good of Societies do require it: Nor can they by any Customs, tho of ever so long continuance, if they are in their nature indifferent, be any longer bound than they please; provided they publicly declare, that as they intend not to use them any longer themselves, so they leave others the same liberty. A Nation, it is true, ought not lightly to change what they have generally practis'd, it looks like affecting Singularity, and being as it were out of the Fashion; but if they do, they break no Law. But I dare be positive, that there is no Custom, except what is obligatory by the Law of Nature, that is universally receiv'd; but in different parts of the World different Customs have obtain'd, and even among the same Nations at different times different Practices, which are frequently chang'd, without any Violation of the Law of Nature; and there is nothing merely positive, but where Precedents may be brought on both sides, which sheweth the thing may, or may not be done, without injury to the Law of Nations. *Customs when do they grow into Laws.*

Among the Heads of the positive Law of Nations, That concerning Embassadors is reckon'd one of the chiefest: Yet what is more different than the Customs of Nations, or the Opinions of Learned Men about those Rights that belong to Embassadors, further than they are deducible from the Law of Nature? by which Law the Persons of Embassadors ought to be inviolable, even when sent to Enemies; because Peace could not be made or preserv'd, or Differences compos'd, which the Law of Nature requireth should be done, except those that are sent on such Errands, should not only be safe, but also permitted to treat with Freedom, and procure as advantageous Terms as they can, for the Interest of the Nation that employeth them? What is more than this, or is not necessary for the ends they are sent, any Prince may refuse it them, provided he be willing his Embassadors should be treated after the same manner; and not only to Embassadors of Sovereign Princes, but to any that are sent by private Persons (as by Merchants upon the account of Trade) if Princes will admit them to treat, they must allow them what is necessary in order to it. And further than this, nothing of certainty can be drawn from the Practice of Nations. Nay Grotius, who is the great Asserter of the positive Law of Nations, in his Chapter *de legationum jure*, saith, that even this Question, Whether the Persons of Embassadors are inviolable? cannot be determin'd by the Practice of Nations; *De non violandis legatis difficilior est questio & variè & a claris hujus seculi ingeniis jactata, &c.* and at last concludes, *Spectandum ergo quosque gentes consenserint, quod ex solis exemplis evinci non potest, extant satis multa in partem utramq; recurrendum igitur tum ad sapientum judicia tum ad conjecturas.* Where Nations have neither expressly declar'd, nor are there Examples enough whereon to found their tacit Consent, there can be no Obligation from the Practice of Nations, but from the Matter it self, as it is conducive to the Good of Societies; upon which alone the Judgment of wise Men, as well as all other Conjectures, must be founded.

What

Positive
Law of Na-
tions.

What looks more like the positive Law of Nations, than that general Custom of Princes having Persons of publick Characters perpetually resident in one anothers Kingdoms? Yet *Grotius* saith in the foregoing §. *Optimo autem jure possunt rejici quæ nunc in usu sunt legationes assiduæ, quibus quam non sit opus docet mos antiquus cui illæ ignotæ.*

To give but one Instance more, and that too out of *Grotius*, who does not pretend to prove any thing from the voluntary Law of Nations concerning this most comprehensive Question, *Quantum in bello liceat*, but has wholly recourse to the Law of Nature; lib. 3. chap. 1. *Quantum in bello liceat regulæ generales ex jure naturæ.* And §. 5. *Quid liceat in eos qui hostes non sunt aut dici nolunt, sed hostibus res aliquas subministrant? nam & olim & nuper acriter de ea re certatum scimus, alii belli rigorem alii commerciorum libertatem defenderint, &c.* And adds, *Hanc autem quæstionem ad jus naturæ ideo retulimus, quia ex historiis nihil comperire potuimus ea de re jure voluntario gentium esse constitutum.* If in these material Points, which constitute so great a part of the Law of Nations, nothing that is merely positive can be deduc'd from the tacit Consent of Nations, it is very unlikely that any thing of that nature can be prov'd in Points of less importance.

General
Practice of
Sovereigns
no Foundati-
on of Law.

From each of which Points, Examples, had it been necessary, might as easily have been produc'd. Nothing can more diminish from the Sacredness of the Law of Nations, than to allow it no other Foundation than the Practice of the generality of Sovereigns; who like other Men, are govern'd by Passion, Interest, Ambition, Revenge, and the like; and who are so far from minding the general Good of Mankind, that they very often sacrifice the Happiness and Prosperity of their own Nations to these Passions. How many things are now look'd on as lawful in War, and daily practis'd, which are against all Humanity as well as Christianity; which in former Ages were by several Nations esteem'd a Violation of the Laws of Nations?

Sepulture,
if part of
the Law of
Nations.

The Roman
jus civile
and jus
gentium.

There is no Subject, about which there are more Mistakes, or which is more confusedly handl'd by Authors, than this of the Law of Nations; they referring many things to that Law, which are no part of it: even *Grotius* himself, who has writ the most accurately on this Subject, besides other lesser Errors, has a whole Chapter *de jure sepulturæ*, as a part of the voluntary Law of Nations. The burying of the Dead is, I confess, an Office of Humanity, and a matter of Decency; but I can see no reason why it should be reckon'd as a part of the voluntary Law of Nations, more than wearing of Clothes, or twenty other things Mankind generally do, either out of Necessity, or Conveniency, or for other Reasons than the voluntary Law of Nations, or upon the account of any tacit Agreement between them. Several err more grossly, mistaking those Privileges which the Roman Law allow'd to Foreigners in common with their Citizens, for the Law of Nations, only because the Romans call'd them *jus gentium*, to distinguish them from those particular Privileges or Advantages the Citizens had above them, which they call'd *jus civile*: What they call'd *jus gentium*, was as much a part of the Law of that Nation, as the *jus civile*; which no other Nation was oblig'd to observe, but might allow more or less Privileges to Foreigners or Citizens as they thought fit. Others (which Mistake is most common) call that the Law of Nations, which is the Law of Nature properly so term'd, and relates to particular Persons, with respect to one another; or else they mistake the Laws of different Countries, when they happen to be the same, for a part of the Law of Nations; which tho they be the same in several Nations, yet they have not their Force and Authority from any tacit Compact, but because the supreme Powers in each Society have made them Laws, which any one of them may alter without any Violation of the Laws of Nations; because every Nation is a compleat Body-Politick within it self, and may make what Laws, appoint what Government or Governours, and manage their own Affairs within themselves as they think fit.

Laws of
Nations as
to Com-
merce.

The Laws of Nations relate to their mutual Commerce and Correspondence, which cannot be maintain'd but by having recourse to those who have the Power of making Peace and War, and all other Contracts for the Nations they represent; whose Acts are the Acts of the whole Bodies, and bind the Members as much as if each particular Person had consented. It is upon the account of the Power of making these Contracts, that the Governours of each Society are allow'd above all others certain Prerogatives by other Nations, over whom they have no Authority, who are no otherwise or further concern'd with them, but as they have the Power of making Contracts for the Nations they rule. As it is for their own Interest that private

private Men make Bargains with one another, so (as I have observ'd in another Essay concerning Obedience, &c.) the Correspondence that one Nation holds with another is for their own Good; and in their Commerce with one another, they look no further than who those Persons are that have the Power of obliging the Nation they have occasion to make use of. It is not material to them what Right they have to this Power; it is sufficient that the Nation then owns them, and have entrusted them with it. It would be an endless, as well as a useless Task, for Embassadors before their Admission to prove the just Rights their Masters have to those Powers they are possess'd of: and other Princes may well be ignorant of what does not concern them; who, if they have occasion to treat with any other Nation, must apply themselves to those (whatever Right they have to it) that are in possession of the Government. Would it not be ridiculous in the *English*, or any Nation who propose an Advantage to themselves by it, to refuse to treat with the present Emperor of the *Turks*, and to allow him those Rights that belong to Sovereign Princes, because his depos'd Brother may have a better Title? Did not the most considerable Nations of *Europe* court the Friendship of *Cromwel*; and the *French* King to obtain it, oblige the two late Kings, then in his Country, to retire from it, without being condemn'd by others, or even by them? And did not all Nations with whom the late Protector had any Concern, allow him both in Matters of Peace and War, all those Rights that belong to Sovereign Princes? No Prince is oblig'd to hold Correspondence, but may refuse to send or receive Embassadors; as all Protestant Princes deny to hold any Correspondence with the Pope, tho he is a Sovereign Prince: Yet if one Nation has any Concern with another, they must allow the same Rights and Privileges to the actual Governour of that Nation, as they expect should be paid to their own. And if a Nation be divided, by a part of them withdrawing their Obedience from the rightful Prince, not only other Sovereigns, but even their lawful one, if he has occasion to treat with them either in Matters of Peace or War, must treat them after the same manner, as he expects to be dealt with himself.

All Leagues and Treaties are National; and where they are not to expire within a shorter time, tho made with Usurpers, will oblige legal Princes, if they succeed, & vice versa: and a League made with a King of any Nation, will oblige that Nation, if they continue free, tho the Government should be chang'd to a Commonwealth, because the Nation is still the same, tho under different Governments. Which *Grotius* observes, l. 2. c. 16. *Imo etiamsi status civitatis in regnum mutetur, manebit fœdus, quia manet idem corpus etsi mutato capite; & ut supra diximus, imperium quod per regem exercetur, non desinet imperium esse Populi*: In whosoever Hands they intrust the Management of it, yet still it is the *Imperium Populi*, the Empire of the People; the Leagues which Princes make with one another, do not oblige them to one another, longer than they are in possession of their Governments; because the sole Reason of Leagues and Contracts is on the account of the Power each Nation has to afford mutual Assistance and Benefit to one another: which Reason still continues, tho the Person intrusted with the Power of making them be chang'd; who then is no further concern'd therein, than a Proctor is with a Cause after the Revocation of his Proxy.

How
Leagues
and Treatys
oblige Na-
tions.

Upon this Reason King *Charles* the First, tho he made a League, and confirm'd it with an Oath, with the King of *Spain* expressly as he was King of *Portugal*, did notwithstanding immediately after receive two Embassadors from the new King of *Portugal*, who had driven out the *Spaniard*; and this was not look'd on at the Court of *Spain*, either as breaking his League or Oath.

All the Rights and Privileges Princes are allow'd by Foreign Nations, over whom they have no manner of Authority, is upon the account of the Power they have of making Contracts for the Nation they govern; which Power when they lose, and no Nation is any longer oblig'd or concern'd in their Actions, they have no more Right to these Privileges than they had before they had this Power. But because the same Intercourse will always be necessary between Nations, and Leagues and Contracts must be made, which cannot be made with the whole Body, but only with those who have the supreme Power, nor with them neither, except they be allow'd those Rights and Privileges the dispossest'd Princes had; therefore there is an absolute Necessity of granting them the same; and the others must lose them with their Dominions, because more than one at the same time cannot have the same Right, for the same Nation. And tho the King of that Country, to which a dispossest'd Prince retires, allows him what Honours or Privileges he pleaseth, as every supreme Power is at liberty to act in his own Dominions as he has a mind to, and

The Power
of making
Treaties
for Trade
and Com-
merce,
where lodg-
ed.

bestow his Favours as he thinks fit; yet the titular Prince has no Right by the Law of Nations to claim any of those Privileges that belong to those that have *summum Imperium*, or any more than what belong to other private Persons. What Right can he claim by the Law of Nations, when no Nations are any way concern'd in his Actions? All Nations, but his own, distinguish'd him from others, on no other account, than as he had the Power of making national Contracts. Which Power when he loseth, the Reason of allowing him any particular Privileges above others, wholly ceaseth. And his own Nation, when they have entrusted the Management of their Affairs in other hands, are no more concern'd with him than Foreigners are; so that such a Prince is wholly reduc'd to a private Estate, without a Kingdom, nay without a Country that he can call his own, and at the best can be only esteem'd a Subject, during his stay, to the Government of that Society he retires to, because there cannot be *Imperium in Imperio*, or more than one Sovereign in the same Society. Where he is so far from having a Power of making Peace or War, or any other national Contracts, that he cannot without leave send to Princes, or receive any sent by them, much less allow them that are sent the Privileges due to Persons of a publick Character: and it would be unreasonable that Sovereigns should be oblig'd to allow those Privileges to him, who is incapable of returning 'em. And it is evident, that Sovereigns have none of those Reasons to forbear exercising a coercive Power over him, as they have over an Embassador, who, as *Grotius* saith, *c. de. leg. if he commits crimen atrocius, & ad publicum malum spectans, mittendus erit ad eum qui misit, cum postulato ut eum puniat, aut dedat*. But to whom can a dispossess'd King be sent, or who will satisfy for any Crime he commits? Why may he not be punish'd without Violation of the Laws of Nations, or Injury to any Nation whatever, since no Nation owns him so much as to be of their Body? Therefore the King in whose Dominions he is, may, if his Crime deserve it, punish him with loss of Life, as Queen *Elizabeth* of blessed Memory did *Mary* Queen of *Scotland*.

Using the
Protection
of a Govern-
ment makes
one a Sub-
ject of it.

There is no Reason in nature, either from other Nations, or from the Person himself, why he may not be punish'd by that Government under which he lives, as well as any other that makes use of the Protection of it. For whosoever makes use of the Protection of any Government, owns himself (as I think I have sufficiently prov'd in my Essay above-mention'd) a Subject of that Government, and consequently makes himself liable to be punish'd if he transgress the Laws. And *Grotius* saith, *cap. de. leg.* It is the Law of Nations, that all but Embassadors are Subjects to the Prince in whose Territories they are; his Words are clear: *Placuisse gentibus ut communis mos qui quemvis in alieno territorio existentem ejus loci territorio subicit, exceptionem pateretur in legatis, ut qui sicut fictione quadam habentur pro personis mittentium (senatus faciem secum attulerat, auctoritatem Reipublicæ, ait de legato quodam M. Tullius) ita etiam fictione simili constituerentur quasi extra territorium*. It is only their mutual Good that hinders Princes from exercising this Right over Embassadors, because each Prince expects the same for his own in another's Territories; but there can be no such Reason urg'd in favour of a dispossessed King, who carries no publick Authority with him; or in what other Country shall he be suppos'd to be, since he has no Country he can call his own?

An abdica-
ted Prince is
only a pri-
vate Person,
& can give
no Commis-
sions to
make War
on other Na-
tions.

Having prov'd in general, that a Prince that has no longer the managing the Affairs of a Nation, has no Right to any of those Privileges which belong to them that have *summum Imperium*; and therefore such a Prince being fallen from a publick to a private Condition, and under the Power and Government of another, can have no more Right than any other private Person to grant Commissions to private Men of War to disturb the Trade and Commerce of any Nation; and that they who act by his Commission may be dealt with, as if they acted by their own, or the Authority of any private Person; because there is no manner of inconvenience which will happen upon a private Person's granting such Commissions, but the same will happen, if a Prince grants them after he is reduc'd to a private Condition, they being both then in the very same Condition: I say, having prov'd all this, What other way have Nations to secure their Trade, or hinder their Ships or Goods from being taken, but by treating them as Pirates who rob by such a Commission? There is no way of making a titular King weary of granting such Commissions, as long as he can find People willing to accept and act by them. Nothing can oblige him, who runs no risque of losing any thing, but may get a considerable Booty by what his Privateers take, as well as disturb and molest his Enemies, to forbear granting such Commissions. No Reprisals to be made, because he has no Ships to lose but those of the Privateers, whose Interest it is that such Robberies should

No Repris-
als to be
made on one
who has no
Dominions.

should be continu'd. He has no Trade or Commerce to be ruin'd. There is no way of making him desist by invading his Territories, since he has none to be invaded. In short, he has nothing to lose by Sea or Land, and by consequence no way of making him weary of eternally granting such Commissions. Therefore Nations have no other way to hinder the disturbing their Commerce, but by using the utmost Rigor against such as accept his Commissions, that by the Terror of the Example they may fright others from attempting the like.

What if such a Prince should grant Commissions to seize the Ships and Goods of all or most trading Nations, which may easily be suppos'd, since he may get a considerable Livelihood by sharing the Spoil with his Privateers? who, if they were to be treated as Enemies, out of hope of Booty, would in mighty Numbers infest the Seas. Would it not be madness in those Nations not to make use of the utmost Rigor to secure their Ships and Trade? And if several Nations may use this Method, why may not any single one; since any one Nation has the same Right to secure their Trade, as any Number whatever? But supposing he should grant Commissions to take the Ships but of a single Nation, yet in effect it would be to grant a general Licence to rob; because those who are so commission'd, would be their own Judges of whatever they took, whether it were lawful Prize or not; because in another Prince's Territories whither the pretended Prizes must be brought, the outed Prince could not pretend to so great a Power, as to erect a Court of Judicature to judg according to the Maritime Laws, concerning the Ships and Goods that are taken. How can he whose very being in a Country is precarious, and may be banish'd every moment, claim a Right to a Power of Life and Death, or to force Witnesses to give Attendance, and all other things that are necessary for such a Court? Or how can he be able to restore Ships, tho ever so unjustly taken, that are in the Ports and Custody of another King?

It is true, Sovereigns have sometimes forbore to punish a titular King for privately destroying a Domestick; but this is no Right he can pretend to by the Law of Nations, but only by the Permission of that King in whose Dominions he is. It was usual for the supreme Powers in many Nations to allow Masters a power of Life and Death over their Servants; insomuch that *Caius Inst. lege de his qui sui juris vel alieni*, saith, *Dominorum potestas juris gentium est, nam apud omnes peræque gentes animadvertere possumus Dominis in servos vitæ necisque potestatem fuisse*. And by the Roman and Carthaginian Laws, even Parents had the same power over their Children; and in several Countries at present, a private Person in many Cases, particularly that of Adultery, may kill the Adulterer and his Wife too, if he takes them in the Fact, without being punish'd for so doing.

The Embassadors of Sovereign Princes, as *Grotius* observes, l. 2. cap. 3. have by the Law of Nations no Right to exercise Jurisdiction in their own Families: *ipse quem legatus an Jurisdictionem habeat in familiam suam, & an jus asyli in domo sua pro quibusvis eo fugientibus, ex concessione pendet ejus apud quem agit? istud juris gentium non est*. If the Embassadors of Sovereign Princes (who, as he saith, *fictione quadam habentur pro personis mittentium*) cannot pretend to this Power, there is infinitely less reason for a dispossess'd King to claim a Power so much greater, viz. that of erecting publick Courts of Judicature.

Therefore his granting Commission to Privateers, is but granting them Authority to rob whom they have a mind to; who being Judges in their own Cause, cannot be suppos'd, but will judg all that comes to their Net to be Fish: and Nations have no reason to take notice of his Commission, which can have no manner of effect; since he that grants it, is no ways able to hinder them that take it, from acting as they have a mind to; nor is he able to punish them, if they ever so much exceed the bounds of it; nor can he restore Ships, tho ever so unjustly taken; nor is he able to give any satisfaction for any Injustice his Privateers shall commit. So that it is evident it is against the Good of Mankind, and consequently the Law of Nations, to allow a Prince that is reduc'd to a private Condition, a Right to grant such Commissions.

But it may be said, that the Government under which this King is, may give him sufficient Power to judg in these matters.

This Argument will as well hold for any private Person whatever, because the Government may allow him the same Power as it can any exil'd Prince.

The Laws of Nations are built upon Certainties: and if a Person has no Right to a Power to which certain Privileges are annex'd, he has no Right to the Privileges, tho it were possible that a King may allow him such Privileges, which he can

A Person
having no
right to the
Power, has
no right to
the Privi-
leges of
that Power.

enjoy but during his pleasure ; and other Nations, as they are presum'd to be ignorant of this, so are not oblig'd to take notice of it: nor can there be any Instance, where a dispossest'd Prince was allow'd to erect a Court of Judicature in another King's Dominions ; it is erecting *imperium in imperio*, and none but he that has supreme Power, can be a supreme Judge, and all inferior ones act as his Ministers, and must be subject and accountable to him.

Perhaps it may be said, The King himself, into whose Dominions the Prizes are brought, may judge concerning them.

But what if he will not? he is not oblig'd, nor can he have a Right to judge or punish those that acted, not by his, but another King's Commission, for what they did *super altum Mare* ; for he cannot have a Right to punish them, except they are his Subjects, even whilst they acted by another's Commission. And the same reason that makes them his Subjects, will make the exil'd King so too ; and consequently a private Person, without Power to grant Commissions to his Fellow-Subjects.

None are
accounted
Enemies,
but those
that have
Sovereign-
ty.

All Authors both modern and antient who have written on this Subject, have esteem'd none Enemies but those that have *summum Imperium*, and all others either Robbers or Pirates. And *Albericus Gentilis*, l. 1. de jure belli & pacis, cap. 1. and *Grotius*, l. 3. cap. 3. do define an Enemy to be one, *qui habet Rempublicam, Curiam, Ararium, consensum & concordiam civium, & rationem aliquam, si res ita tulerit, pacis & fœderis* ; which in other words is but *summum Imperium*, because the supreme Power in any Society must have all these. And this they prove was look'd on as the Definition of an Enemy, even in *Cicero's* time, who quotes it, *Philip. 4.* as a known Definition or Description of an Enemy. And I believe there is nothing in which Nations so unanimously agree, as in esteeming none but him that has *summum Imperium* an Enemy, and all others Robbers or Pirates ; and there can be no Instance given, where any, tho at first they were Robbers, Pirates, Rebels, &c. yet when they had Dominions, and possess'd *summum Imperium*, were not treated as Enemies. *St. Austin de Civ. Dei*, l. 4. c. 4. speaking of Robbers, *Hoc malum si in tantum perditorum hominum accessibus crescit, ut & loca teneat, sedes constituat, civitates occupet, populos subjuget, Regni nomen assumet.* And the beginning of most of the great Empires were not much better ; whatever any were at first, yet when they had form'd themselves into Civil Societies, where Foreigners as well as Subjects might have Justice administer'd, then they were look'd on as Nations and Civil Societies, and in their Wars with other Nations us'd as Enemies. But till any number of Men were a Civil Society, and did associate for the sake of Laws, Justice, Government, &c. they were esteem'd as Pirates and Robbers ; so all Authors do agree, that those *Qui civitatem non faciunt sunt piratæ vel latrones*, and are suppos'd to associate *Sceleris causa*, for the sake of Piracy or Robbery, or some other wicked end. But if, as *Grotius* observes, l. 3. c. 3. a Change happen, and they form themselves into a Civil Society, than they have all the Rights that belong to other Civil Societies ; his words are these : *Potest tamen mutatio incidere non in singulis tantum, sicut Jephthes, Arsaces, Viriatus, ex prædonum ducibus justi duces facti sunt, sed etiam in cœtibus, ut qui prædones tantum fuerint aliud vitæ genus amplexi, civitas fiant.* So of later years, *Argiers, Tripoli, Tunis*, tho at first but Nests of Pirates, and associated for the sake of Spoil and Plunder, yet as soon as each of them had the face of a Republick, they were esteem'd as just Enemies, and had all those Privileges allow'd them that are due to Sovereign States.

The contra-
ry Opinion
examin'd.

Albericus Gentilis, l. 1. c. 4. seems to be of another Opinion ; and after he has reckon'd some few, whom he is forc'd to allow that from Robbers they became Enemies, saith, it was the only Cause that made them so, *Quodque fiet non tam justi exercitus auctu, & urbium interceptu, ut scriptores isti, & alii Historici credere videntur, quam adeptione publicæ causæ.* However he is of this Opinion himself, yet he is forc'd to confess, that all the antient Historians and other Writers were of a different Opinion. If he mean by a publick Cause, a just Cause of War, and none but those that have such a Cause should be treated as Enemies, all Mankind would treat one another as Robbers and Pirates ; because each Party pretend their Enemies have no just Cause of War, and there being no Superior to judge, each side must judge for themselves ; and where there is no common Judge in which both sides will acquiesce, the pretence of Right can be urg'd to no purpose, since each side pretends to be in the right. So that there is a necessity for those that have *summum Imperium*, whatever the cause of War be, to use one another as Enemies ; and those that have acted otherwise, have been esteem'd by the rest of Mankind as Infringers of the Law of Nations. It is true, some, especially the great Conquerors,

as *Alexander*, and the *Saracens*, as he observeth, have been call'd Robbers, and really were so; for whoever without a just Cause invadeth his Neighbours Rights, as they did, is a Robber: yet they were always treated as just Enemies, as were the *Saracens* by the Christians. Nay, *Grotius* gives Instances of several Nations, who without any distinction exercis'd Piracy, yet were allow'd the Right of Enemies, because they were a People: *Tantum discrimen est inter populum, quantumvis sceleratum, & inter eos, qui cum populus non sunt, sceleris causa coeunt.* If *Gentilis* by a publick Cause means some national Cause, and that the War, to make it just, must not be for private Causes or By-ends, but for the sake of the People; all that have *summum Imperium*, what way soever they get it, as it is their Duty to protect those that are under them, and make War with those that endeavour to oppress them, will have the same publick Causes of making War as any Kings whatever. As *Arfaces*, whom he mentions to have a publick Cause, and none to withdraw his Obedience from the *Macedonians*, who had been so long time lawful Kings of *Persia*; yet after he had made himself Master of *Persia*, might have a publick Cause, upon the account of that Nation, of making War. The same may be said of all other Usurpers.

Alexander and the Saracens accounted first Robbers.

As Robbers and Pirates become just Enemies, when they form themselves into a Civil Society; so a King that loseth his Empire, and can no longer protect People, or administer Justice, dwindles into a Robber or Pirate, if he grants Commissions to take the Goods or Ships of any Nation: and they that accept a Commission from him, are presum'd to associate *Sceleris causa*, and cannot be reckon'd as Members of a Civil Society; since he by whose Commission they act, nor any other of their number, can administer Justice, or do any of those things that are essential to a Civil Society: there is none amongst them, let them break the Laws of Nations, or any other Laws, to punish them; or let them be ever so injurious to other Nations, there is none to make Satisfaction or do Justice on the Offenders. And is there not all the reason in the World, that Nations should do themselves Justice in punishing the Criminals according to their demerits?

Pirates and Robbers become just Enemies, when form'd into a Society.

Whoever pretends to the Dignity of being esteem'd an Enemy, must have a Power of making Peace and War; *Hostes sunt, ait Sempronius, qui nobis aut quibus nos bellum decernimus.* So *Ulpianus*; *Hostes sunt quibus bellum publice Populus Romanus decrevit vel ipsi Populo Romano, ceteri latrunculi vel praedones appellantur.* And *Grotius* saith upon quoting these Authorities, lib. 3. cap. 3. *Sub exemplo Populi Romani quemvis intelligi qui in civitate summum Imperium habeat:* There is no Government declareth War against a private Person, tho he retains the Title of a publick one; and it would be ridiculous for a private Person that has no certain Habitation, but is in a manner a Vagabond, to pretend to declare War, since he cannot do it for any Nation, but only for himself.

Who is to be accounted an Enemy.

The *English* have neither Peace nor War with the late King, and look on him as a private Person incapable of making either; and to allow him now any of those Rights that belong to publick Persons, would be in a manner acting inconsistent with themselves, and contradicting their former Declarations.

The Case of the late K's giving Commissions.

As he that is reduc'd to a private Condition, has no Right by the Law of Nations to be treated as an Enemy; so on the contrary, whoever has *summum Imperium*, because the general Good of Nations requires it, and consequently it is a part of the Law of Nations, must have a Right to be treated as an Enemy: nay, it is the Interest of the adverse Party, *flagrante Bello*, to treat even Rebels so; because as they use them, so they must expect to be us'd themselves. The Pretence of Right (as I have already said) where there is no Superior to judg between the contending Parties, in whose Determination both sides will acquiesce, is to no purpose. If one side call the other's taking up Arms Rebellion, they on the other hand term it a just War in defence of their Rights and Privileges; and will be sure upon all occasions to return like for like: So that it is plain, it is the mutual Good of both Parties to treat one another as Enemies. So in the Civil Wars of *England* and of *France*, and of the *Romans*, they treated one another as Enemies. It is true, that in the Civil Wars of the *Romans*, there was not, as in foreign Wars, any use of the *Postliminium*; nor did they triumph after Victory: But these were Customs proper to that State, and no part of the Law of Nations. In the beginning of the Civil Wars in the *Low-Countries*, the haughty *Spaniard* at first us'd the *Hollanders* as Rebels, but he quickly was weary of that Sport, and consented to a Chartel.

Where there is no Judge, all pretend to Right.

*The Case of
the Irish
Rebels.*

For the same reason, the present Government, during the War, treated their rebellious Subjects in *Ireland* after the same manner: For as long as they had an Army in the Field, and were Masters of fortify'd Towns, they were esteem'd and us'd as Enemies. But what pretence can any of that Party have of being treated so now?

Would it not be very absurd in the Tories, tho they plunder'd Passengers, and rob'd Market-people by the late King's Commission, to expect to be us'd as Enemies? Is there any reason they should be more favourably dealt with for robbing at Sea by his Commission, considering they have no Fleet, no Ports, nor Harbours?

*Objection
answer'd.*

But it may be urg'd in behalf of those that have the late King's Commission, that they ought to be us'd as Enemies, because if they are us'd otherwise, all that they take must expect to be dealt with accordingly.

Ans. The same Argument will hold for all other Pirates and Robbers, who may use all that fall into their hands, as they themselves are us'd; and the Consequence of granting them such Usage would be, that the Seas would be quickly full of Pirates, and the Land of Robbers. If it were for their Interest, there's no doubt Pirates would serve all they take so; but they know if they did, they should not only miss of the Booty they might otherwise expect by Peoples not being so much on their guard, but that most effectual means would be taken to extirpate them.

*When the
public Good
requires it,
Criminals
may be
mildly
treated.*

But if it should happen to be against the publick Good (of which the Government is the Judge) to punish them as Pirates, there is no doubt but they ought to be dealt with more mildly; so all other Criminals ought to be spar'd, when it is against the publick Good to punish them.

Obj. It may be said, If a King is unjustly depos'd, he has still a Right to his Kingdom, and consequently to all that is in order to recover it.

*If a King
unjustly de-
pos'd has a
Right.*

Ans. All Nations, except his own, allow'd him these Privileges and Rights upon no other account, but as all Business of Peace and War, and Commerce, that concern'd his Nation, was manag'd by him: what his Right was to that Power, depended upon the Laws of his Country, with which they were no way concern'd; therefore when he lost that Power, he with it lost all the Right he had of claiming from them any Privileges above other Persons, and consequently his pretence of Right can be no Argument for them not to treat his Privateers as Pirates. As for his own Nation, they have already adjudg'd he has no Right to command them, and have plac'd the Administration of their Affairs in other hands; so that the Argument drawn from a pretended Right that is not own'd by the Nation that depos'd him, can signify nothing either to Foreigners, or to them who have then the same reason, as all other Nations, to condemn as Pirates all that act by his Commission.

*Giving a
Commission
to Pirates,
is inconsis-
tent with
the common
Good of the
Society.*

In short, let a Prince's Right be what it will, if the utmost of his Power extends only to the giving Commissions to a few People, whom he can persuade to set out Vessels at their own Charge, to disturb the Trade of a Nation, which can only tend to exasperate and vex them; this cannot, in common understanding, be reputed a just Design to recover his Kingdom, or to conquer his Enemies; but only a pretence to let those People that act by his Commission enrich themselves by exercising Piracy: which is such an odious thing, that Nations cannot be too careful in punishing whatever tends that way. Besides, the Laws of Nations respect the general Good of Societies more than the Right of any particular Person; who, to speak properly, can have no Right when it is inconsistent with the Good of the Society, because a particular must always give place to a general Good; and the Interest of a King, when he has no longer the management of the Affairs of any Nation, is no more sacred than that of any other private Person, who by nature is his equal: it was only the Office which is sacred, because it is so necessary for the Good of Mankind, that made the Difference; which when he is no longer possess'd of, he is but upon the same level with the rest of Mankind; and then the Peace and Quiet, or Trade and Commerce of a Nation ought not to be disturb'd more for his, than any other particular Person's Interest. And People, who have a Right even to the Lives of their Enemies, use them, when the mutual Good of Societies does not forbid it, after the same manner as they do Pirates and Robbers; and they use all Spies, and those that privately attempt the Lives of their Enemies, whatever Right the Prince has that employs them, as Pirates; the pretence of his Right who employs them, will be no manner of Plea to prevent their Execution: And the same reason, the Good of Societies, does more strongly require the putting those

those to Death that rob by the Commission of any private Person whatever.

Besides these Reasons, which I think are sufficient to prove them who were taken acting by the late King's Commission, Pirates, there is another unanswerable one, from the Persons who accepted the Commission: Who being their Majesties Subjects (and which the Question that was put to the Civilians justly supposeth) were morally incapable to receive such a Commission; it was not in their Power to take a Commission from any King whatever to invade, in a hostile manner, the Ships and Goods of their Fellow-Subjects.

The accepting the Commission was Treason, and no Commission whatever can authorize People to commit Treason; so that the Commission was null and void as well upon their account that receiv'd it, as his that granted it.

These Reasons, or at least what is most material in them, the Heads of them (I will not pretend they were then as fully and largely handled as they are here set down) were urg'd either by Dr. Littleton or my self: He did not, upon a Question where so much could be said, leave out, as it were on purpose, what was most material; nor did not, as the sham-Account reports, only say, that the late King had no right to grant Commissions, because he had no Treasury or *Aerarium*, and because there was no War between him and *England*, or somewhat to that effect: Nor did I (as that Account will have it) without offering at any Reasons my self, assent to what he said; for not only then, but (since I am in a manner forc'd to say so much) when I gave my Opinion in Writing, I made use of what I thought most material in these Arguments.

It is a great sign of the Weakness of their Cause, as well as their Disingenuity, that they dare not repeat the whole matter of Fact; but only relate so much of the other side, as they think may serve to give a better gloss to what they, without any respect to Truth, have thought fit to divulge: but they were under a kind of necessity of so doing (and which is the only Excuse the Matter is capable of) since they had no other way of making what they pretend was said by them appear tolerable, but by representing what was said by those of the contrary side (if it were possible) more absurd. And it is no wonder, where People have neither Law nor Reason on their side, that they have recourse to Lies and Calumnies, the usual Arts of that Party, and the only Props they have to support their so often baffled Cause.

But to return; the Occasion of sending for the Civilians, after some of them that were consulted had given their Opinions in Writing, was, as the Lords told Sir T. P. and Dr. Ol. (who had declar'd that they were not Pirates, without offering to shew the least Reason why they were of that mind) to hear what Reason they had to offer for their Opinion.

Then Sir T. P. said, it was impossible they should be Pirates, for a Pirate was *hostis humani generis*; but they were not Enemies to all Mankind, therefore they could not be Pirates. Upon which all smil'd, and one of the Lords ask'd him, Whether there ever was any such thing as a Pirate, if none could be a Pirate but he that was actually in War with all Mankind: To which he did not reply, but only repeated what he had said before. *Hostis humani generis*, is neither a Definition, nor so much as a Description of a Pirate, but a rhetorical Invective to shew the Odiousness of that Crime. As a Man, who, tho he receives Protection from a Government, and has sworn to be true to it, yet acts against it as much as he dares, may be said to be an Enemy to all Governments, because he destroyeth, as far as in him lieth, all Government and all Order, by breaking all those Ties and Bonds that unite People in a Civil Society under any Government: So a Man that breaks the common Rules of Honesty and Justice, which are essential to the well-being of Mankind, by robbing but one Nation, may justly be term'd *hostis humani generis*; and that Nation has the same Right to punish him, as if he had actually rob'd all Nations.

Dr. Ol. said, that the late King, being once a King, had by the Laws of Nations a Right to grant Commissions; and that tho he had lost his Kingdoms, he still retain'd a Right to the Privileges that belong to Sovereign Princes. It was ask'd him by one of the Lords, whether he could produce an Author of any Credit, who did affirm, that he who had no Kingdom, nor Right to any, could grant Commissions, or had a Right to any of those Privileges that belong to Sovereign Princes? and that no King would suffer those Privileges to be paid to *Christina*, when she ceas'd to be Queen of *Swedeland*; and that it was the Judgment of all the Lawyers, who ever mention'd that Point, that she had no Right to them: and he did hope, that those who had sworn to their present Majesties, did not believe the late King had

For their Majesties Subjects to accept a Commission from K. J. is Treason.

Dr. Littleton and Dr. Tindal vindicated.

The Jacobites make a false Representation of the Debate.

The Matter stated.

Sir T. P. Advocate for the Pirates.

The meaning of a Pirate's being *hostis humani generis*.

Q. Christina's Case.

had still a Right ; and that that Point was already determin'd, and would not be suffer'd to be debated there. To which he answer'd, that King *James* was allow'd very lately the Rights of a King, and that those who acted by his Commission in *Ireland* were treated as Enemies ; and People that follow'd his Fortune, might still suppose he had a Right, which was enough to excuse them from being guilty of Piracy.

One of the Lords then demanded of him, if any of their Majesties Subjects, by virtue of a Commission from the late King, should by force seize the Goods of their Fellow-Subjects by Land, whether that would excuse them from being guilty at least of Robbery ? If it would not from Robbery, why should it more excuse them from Piracy ? To which he made no Reply. Then the Lords ask'd Sir *T. P.* and him, whether it were not Treason in their Majesties Subjects, to accept a Commission from the late King to act in a hostile manner against their own Nation ? which they both own'd it was (and Sir *T. P.* has since, as I am inform'd, given it under his Hand that they are Traitors.) The Lords further ask'd them, if the seizing the Ships and Goods of their Majesties Subjects were Treason, why they would not allow it to be Piracy ? since Piracy was nothing else but seizing of Ships and Goods by no Commission ; or what was all one, by a void or null one : and they said there could be no Commission to commit Treason, but what must be so. To which they had nothing to reply, only Dr. *Ol.* (not by way of Answer to one of the Lords, who, as the Jacobitish Account supposeth, made use of it as an Instance for the other side) pretended to quote a Precedent, which he said 'came up to the

present Case, about *Antonio* King of *Portugal*, who (as he said) after he had lost his Kingdom, gave Commissions to Privateers to seize upon all *Spanish* Vessels, whom, as the *Spaniards* met with, they hang'd as Pirates (so far his Precedent is against him) but an Author, without naming him, was of opinion, as he said, that if *Antonio* had ever been a rightful King, then the *Spaniards* ought not to have treated those that acted by his Commission, as Pirates. This was all that was said by the Doctor in behalf of the late King's Privateers ; upon which I must beg leave to make a few Reflections. As to those Privileges which were allow'd the late King in *Ireland*, they were not allow'd him on the account of any Right, nor was it an owning that he had any Right to that Kingdom, but barely as he was in possession ; for then he had *Rempubicam, Curiam, &c.* and consequently a Right to be treated as an Enemy : and not only he, but whoever had been in possession would have had a Right to be us'd after the same manner, which is no more than what is practis'd in all Civil Wars, where there are just Forces on either side. These Privileges being allow'd him when he was a publick Person, and in possession of a Kingdom, could be no just reason to induce any to imagine that they would be permitted him when reduc'd to a private Condition ; much less is it such a Presumption as is sufficient to excuse them who acted by his Commission, from suffering as Pirates. The very taking a Commission from him, after he was reduc'd to a private Condition, to act against their own Nation, was a Demonstration that the Government was no longer in his, but other Hands, who could not reasonably be presum'd would allow that he had still any Right, or that they who acted by his Commission should be dealt with as if he still had a Right ; but that they should be us'd as if they acted by no Commission, or what is all one, a null or invalid one. Their pretending to believe he has still a Right, is no more an Excuse in the case of Piracy than of Treason, which every Traitor may pretend to.

As to the Story of *Antonio*, the Doctor is (to suppose no worse) abominably mistaken in the very Foundation ; for they that suffer'd by the *Spaniards* as Pirates, were *French*, who had not their Commissions from *Antonio*, but from their own King, as *Albericus Gentilis*, who mentions this Story, *Lib. 1. cap. 4.* saith ; *At ipsa Historia vincat eos non fuisse Piratas, per literas quas Regis sui ostendebant, cui Regi serviebant,*

non Antonio, etsi maxime pro Antonio, quod illos non tangebant. And *Conestaggius*, who is the Historian he refers to, and who has given an excellent Account of that War, saith it was the Royal Navy of *France* (which is very improbable did act by any Authority, but that of the *French* King) set out, as he words it, *Regis sub Auspiciis*, with which the *Spanish* Fleet engag'd, and had the good fortune, after a long and bloody Fight, to rout it, and took above five hundred Prisoners, of which almost the fifth part were Persons of Quality, whom the *Spanish* Admiral was resolv'd to sacrifice as Pirates, because the *French* King, without declaring War, had sent them to the Assistance of *Antonio*. Against which Proceedings the Officers of the *Spanish* Fleet murmur'd, and represented to their Admiral, that they were not Pirates,

Pirates, because they had the *French* King's Commission; but what they chiefly insisted on, was the ill consequence it would be to themselves, who, if they fell into the hands of the *French*, must expect the same usage. As to the *French* King's assisting *Antonio* without declaring War, they suppos'd, that before the Sea-Fight the two Crowns might be said to be in a state of War, by reason of frequent Engagements they had in the *Low Countries*. This is the Account *Conestaggius* gives of it, which, how little it is for the purpose the Doctor quoted it, is so visible, that there is no need of any words to shew it. But granting (as the Doctor supposeth) that *Antonio* never had any Right, or at least the *Spaniards* would never allow he had any, yet it is evident from the Historian, that they allow'd him, during Possession, the same Privileges as the late King had during the War in *Ireland*. And if the *Spaniard*, by the Law of Nations, after *Antonio* was driven from his Kingdom, might treat those that acted by his Commission as Pirates, why may not the *English* deal after the same manner with those that act by the late King's Commission, since they look on him to be in the same Condition as the *Spaniards* did *Antonio*, without a Kingdom, or Right to one? What difference can that make, that one had no Right, and the other, tho he had once a Right, has lost it?

These two Civilians, I believe, are the only Persons pretending to be Lawyers, who are of opinion, that a King without a Kingdom, or Right to one, has by the Law of Nations a Right to grant Commissions to Privateers, especially if they are Subjects (as they have acknowledg'd it) to that King, against whom they by their Commissions are to act. Upon what account can such a Person claim these Privileges? or for what reason should Mankind pay them to him, more than to other private Persons? Are these Privileges like the Charms or indelible Characters, which the *Papists* say are inseparable from the Persons of their Priests? which, whatever it be in Ecclesiastical, is no small Bigotry and Phanaticism in Civil Affairs. And it is the height of Folly, Madness and Superstition, to believe that the People, who have entrusted some one amongst them with Power for no other end than for protecting them, can upon no account whatever resume it.

To speak somewhat against this Notion cannot be unseasonable or impertinent, because it is not only the Foundation of those false Notions which I endeavour to confute, but of almost all others that concern the Rights of Sovereigns.

The only innate Principle in Man is to seek his own Happiness, and consequently it is his Duty to pursue it; otherwise God would not have imprinted it so deeply on his Mind, that it is impossible for him not to desire it: And it is the Source of all his Actions, and the Foundation of his Duty to God and to Man; there being no reason why a Man should be oblig'd to do any thing that no way promotes his Happiness; which, as to this Life, considering his Weakness and Infirmities, he is not able to procure, without the Aid and Assistance of others; which, as the only way to obtain, he ought to be as ready to assist them, and do by them as he expects they should do by him. And as it is evident, the Duty men owe to one another, tends to the Happiness of each individual Person, so the neglect of it would be to the loss and detriment of each particular: and the more any one is oblig'd, the more zealous he ought to be to make suitable Returns; because there is no Vertue that more encourageth People to do good to one another, and consequently is more beneficial to Man, than Gratitude. And this is the reason of the Duty that Children, for the sake of their Being and Education, owe to their Parents. The Relation between Parents and Children is call'd a natural Relation, because it does not come by Compact and Agreement, as all others do, which Men enter into for their own sakes; and wherever they oblige themselves to serve others, either by Labour of the Mind or Body, it is for some suitable Return: and in all Relations of Life there are reciprocal Duties; for the sake of which alone Men entered into them, and consequently design'd to oblige themselves no longer to them, than they receive these Returns. It is repugnant to that natural Equality which is among Men, that all should be due of one side and nothing of the other: In all Relations the Duties are conditional, and can oblige no longer than they are perform'd on both sides; because each Party would not have bound himself but for the sake of the Return. Where Numbers enter into any Relation with a single Person, as when they engage to pay him Obedience, there it is most evident that they would never part with their Liberties, and give to a single Person so great Power over them, but for the sake of some suitable Return; which can be no other than the Protection they receive by Government, which was the sole Motive, Reason and Design of their becoming Subjects: Nor can they be presum'd to intend any thing but their common Good.

A King without a Kingdom can give no Commission to Privateers.

Man has a natural Desire to be happy.

Gratitude a beneficial Vertue.

Duties in all Relations are reciprocal.

Protection the Foundation of Obedience.

Good, nor to pay Obedience upon any other Terms or Conditions, but for the Protection they are to receive: nay, had it been possible for Men to design it, they were morally incapable of binding themselves contrary to their common Good and Prosperity. Tho Protection cannot be had without Obedience, yet Obedience is only the Means, and in order to Protection, which is the End for which alone Obedience is due; and where that End cannot be had, all Ties are absolutely broken. And this has been the Sense and Practice of Mankind, who have always submitted to new Governors when their old ones became incapable to protect them. But the Reason is much stronger, when instead of protecting, they design to oppress and ruin them; then their own Good, which at first was the sole Reason of their Obedience, does as much oblige them to oppose them, as ever it did to submit to them.

Absolute Obedience inconsistent with the Goodness of God.

The Doctrine of absolute Obedience is inconsistent with the Goodness of God, and the Love he has for Man; and is destructive of the End, Intent and Design of God's Laws, which is Man's Happiness. For God, who is infinitely happy in himself, could have no other Motive than man's Happiness in those Rules he has given him to walk by; and for that reason has made it a Duty in him to help the Poor and Miserable, relieve the Oppressed and Distressed, and do all manner of Kindnesses and good Offices to one another. Can it then be presum'd, that he requir'd Obedience to Arbitrary Power, which brings Poverty, Misery and Desolation on a Nation? If it be Duty to relieve the Poor and Oppressed, it must be as much so to hinder People from falling into that miserable Condition, which they cannot prevent, except they have a Right to oppose Arbitrary Power. And if it be a Duty to promote the Publick Good, which they cannot do if they are oblig'd to submit to Arbitrary Government, it must be their Duty to oppose it.

'Tis a Duty to oppose Arbitrary Power.

It dishonours God.

In short, there is no Duty that a Man owes to his Neighbour or himself, but does oblige him to oppose Arbitrary Government; and so does that Honour and Duty which Man owes to his Maker, which cannot more be shown, than in imitating him, by promoting the Good and Happiness of his Fellow-Creatures: *He that does not love his Brother whom he has seen, cannot love God whom he has not seen.* But the endeavouring to enslave his Brother, is no Argument of any great Love he bears him. Absolute Obedience tends to the Dishonour of God, as it naturally tends to introduce gross Ignorance and Superstition; which perhaps is the chief reason that some Men so highly promote it, because they may be the better able to impose what selfish Doctrines they please, and tyrannize over the Consciences of their Brethren.

Promoting Absolute Power a greater Crime than Rebellion.

The promoting Absolute Obedience is a much greater Crime than the encouraging any Rebellion whatever; because a Civil War, tho during the time it lasts is very sharp, yet it cannot, especially in a Country where there are no fortified Places, continue long, and a Nation may flourish and be happy again. But if once Arbitrary Government be introduc'd upon the Principles of Passive Obedience, Peoples Miserys are endless, there is no prospect or hopes of Redress: Every Age will add new Oppressions and new Burdens to a People already exhausted. If he, by God's Command, was to be cursed that remov'd his Neighbour's Land-mark, what Curses must they deserve that make it their business to remove all the Bounds, Fences and Securities that People have, not only for their Lands, but their Libertys and Lives, and prostrate them at the feet of a single Person? If it be so great a Crime, that upon no account, as they pretend, it is lawful to change the Person that has the executive Power, how much greater must their Crimes be that destroy the Constitution, subvert the whole Government, and set up a new one that is infinitely worse?

This I think is sufficient to show that the People have a Right, especially in a limited Government, where they are Subjects no farther than the Laws require, to defend their Libertys and Privileges; and that a King by endeavouring to ruin and enslave them, has lost all the Ties he had to their Obedience, and has no longer a Right to command them: and they may then place the Administration of their Affairs in other Hands; which when they have done, what reason have they to allow him, that design'd to ruin and enslave them, greater Privileges than any other private Person, who never intended them any Mischief? Or what reason have other Nations to allow him those Privileges, which they cannot without Injury to themselves pay to any but those that have *summum Imperium*?

But to return: Dr. Waller and Dr. Nuton, who also attended, did not declare their Opinions; Dr. W. excus'd himself, that he had not time to consider the Question, and Dr. N. said it was against his Conscience, or words to that effect, to have

have a hand in Blood. I suppose with this tacit Reserve, except it were in hopes of being Advocate of the Admiralty, whose Business it is (if prosecuting Pirates and Malefactors may be call'd so, to have a hand in Blood.

But to conclude ; I hope I have sufficiently prov'd what I design'd, and have not only answer'd all the Objections that were then made, but have obviated whatever can reasonably be urg'd to the contrary.

A COLLECTION of the Debates and Proceedings in Parliament, in 1694, and 1695.

Upon the INQUIRY into the late Briberies and corrupt Practices.

P R E F A C E.

IT is most evident to all such who are in the least acquainted with the Greek and Roman Histories, that Bribery and Corruption were the chief Causes of the Overtthrow of those free Governments.

By these means Philip of Macedon ruin'd most of the Commonwealths of Greece, so much celebrated in antient History.

The Spartan State, which had flourish'd with such Glory about 800 Years, was soon destroy'd by the corrupt Use of those immense Riches wherewith their Asiatick Conquests had furnish'd them.

The Ruin of the Roman Commonwealth is (by all who have wrote on that Subject) attributed to that Corruption with which they were over-run after they became Masters of Asia, and the Plunder thereof. Before that time Honor had been the Reward of good and great Actions, but then Money without Merit open'd the door at which Fools and Knaves enter'd, when honest Men could not be admitted. Then it seem'd a Crime to be vertuous; and that People became so degenerate, that the Consulship, Government of Provinces, Commands of Armies, and every publick Employment were put to sale, and all carry'd by Caballing and Bribery, without any regard had to the Merits of Men, and their Services to their Country.

This occasion'd that severe Exclamation, *O Urbem venalem si Emptorem invenisset!* Intimating, that they would sell even the City it self, if a Man were found who had a Purse sufficient to make the Purchase.

And it is yet fresh in memory, how our own Nation was brought to the very brink of Destruction by the corrupt Practices of the Reign of King Charles the Second. Then was the time when all Men of Vertue, untainted Probity, and Love to their Country, ran the hazard of being ruin'd. Then was the time we beheld a Band of abject Pensioners in Parliament, a List whereof is yet extant. Then was the time we saw our Senators wearing the Badg of Slavery, and doing a Tyrant's Drudgery, for Clothes and Sustenance. Then was the time when no less Sum than 252467 l. was squander'd amongst those mercenary Wretches in less than three Years; and it is well known who was then Lord Treasurer.

Then was the time when a hungry Member was sure of a * Dinner at one or other of

* The Practice was, that besides a Dinner, when one found under his Plate such a parcel of Guinea's, they had done any eminent piece of Service, every as it was thought his day's work had merited.

the Publick Tables kept about Westminster (and which very lately began to be set up again) to feed the Betrayers of their Country: And that they might be at hand, Sir John Copleston and Sir Richard Wiseman were then allow'd to keep open Houses at the foot of the Parliament-Stairs.

So numerous were these Hirelings in that illustrious Body, that if any Point were there carried on England's side, it was often but by the poor Majority of two or three Voices. And I cannot but remember upon this occasion a Story (for the Truth whereof I can undertake) There was a contended Election in that House of Commons between Mr. Trenchard and Mr. Bertie; and it being carried for Mr. Bertie, the Lord O Brian, who was related to the then Lord Treasurer, came in Triumph to him with the News, and said, My Lord! we have carried the day, and voted thirteen more than one and twenty.

The Nation groan'd under the Burden of these inglorious and wicked Practices, which ripen'd us for Ruin; and to this day their sad Effects are very sensibly felt. We then traffick'd away the Peace of Europe; and to that Corruption is owing the Growth, and hitherto unsubdu'd Power of France.

If to sell the Determination of any Difference between private Persons be held in the highest Detestation, how justly execrable then do those render themselves who traffick away Nations and the Rights of a free-born People?

We have a famous Instance of the transcendent Justice of our Nation, in the case of the great and learned Lord Chancellor Bacon: He was thrown down from his high Station upon an Accusation of Bribery, tho all that then was positively prov'd against him was his allowing a Servant to accept a Present of a Set of beaten Silver Buttons.

An Exact Collection of the Debates and Proceedings in Parliament, in 1694, and 1695.

The Occasion of making the Inquiry.

THAT the Inquiry into the corrupt Practices here related was as accidental as necessary, will be readily agreed by those who consider from whence it came. We find in the History thereof mention made of the monstrous Sums of Thousands and Tens of Thousands; yet at the first the Payment of that petty Sum of ten Pounds or less, had certainly prevented this happy Discovery; the Rise whereof was from Royston, not from the famous Tory Club there, but from the just Complaint of some honest Inhabitants, against the Abuses of Officers and Soldiers in exacting Subsistence-Mony. This coming by Petition before the House of Commons upon the 12th of January, 1694. and the Petitioners, and also Mr. Tracy Pauncfort Agent for Colonel Hastings's Regiment, and the Officers complain'd of being heard and examin'd, it was (upon the 23d of January) Resolved, That the Officers and Soldiers of the Army demanding and exacting Subsistence-Mony, is arbitrary and illegal, and a great Violation of the Rights and Liberties of the Subject. And thereupon order'd, that the Commissioners for taking and stating the Publick Accounts do lay before the House their Observations of the Abuses and ill Practices committed by the Agents of the Regiments of the Army, and that the said Agent Pauncfort should forthwith lay before the House a particular Account of the Monies receiv'd by him, and how he had paid the same, and when, and to whom, and what remain'd in his hands. And,

Upon bringing in his Account accordingly, and being examin'd to it, on Jan. 28. it was (upon the Consideration of the Observations of the Commissioners for taking and stating the Publick Accounts) Resolved by the House, That the said Agent, for neglecting to pay the Subsistence-Mony to the Officers and Soldiers that quarter'd at Royston, having Monies in his hands to do the same, be taken into Custody of the Serjeant at Arms attending the House. And afterwards, upon the 12th of February he being again examin'd, and refusing to answer to several Questions, tho requir'd upon pain of being proceeded against with the utmost Rigour and Severity, it was resolv'd, That by his obstinate Refusal to answer to a matter of fact, he had violated the Privilege and contemn'd the Authority of the House, and the fundamental Constitution thereof, and for so doing was committed Prisoner to the Tower.

The

The next we have upon the Stage is Mr. *Edward Pauncfort*, who being summon'd and examin'd by the House, upon the 16th of *February* it was (upon Consideration of the Observations made by the Commissioners for taking and stating the Publick Accounts) Resolved, *That he, for contriving to cheat Col. Hastings's Regiment of 500 Guineas, and for giving a Bribe of 200 Guineas, be taken into Custody of the Serjeant at Arms.*

Mr. Edw. Pauncfort.

Then follow'd Mr. *Henry Guy*, a Member of the House, in whose Case it was the same day, upon Consideration of the before-mention'd Observations, Resolved, *That he, for taking a Bribe of 200 Guineas, be committed to the Tower.*

And upon the 7th of *March*, Mr. *James Craggs* (one of the Contractors for the clothing of the Army) having refus'd to produce his Books, and to be examin'd before the Commissioners for taking and stating the Publick Accounts, and being call'd into the House, and persisting in his Refusal, it was resolv'd, that he be committed to the Tower for refusing to produce his Books of Accounts, thereby obstructing the Inquiry of the House into the Disposal of the Publick Monies.

Mr. Craggs

Hereupon, for redress of the notorious Abuses of the Officers and their Agents, the House agreed upon an humble Representation to the King, to lay before his Majesty the Grievance of raising Money under pretence of Subsistence, wherein they thus express themselves:

' This is in great measure occasion'd by the undue Practices of some of the Agents and Officers, the Particulars of which we beg leave to lay before your Majesty, in order to the more effectual preventing the like Miscarriages for the future.

The Representation of the Grievances to the King.

' 1. Some of the Agents, amongst other their ill Practices, have detain'd the Money, due to the Soldiers, in their hands, and made use of it for their own Advantage, instead of immediately applying it to the Subsistence of the Officers and Soldiers, for whom they were intrusted.

' 2. Their intolerable Exactions and great Extortions upon the Officers and Soldiers, for paying Money by way of Advance; their charging more for the Discount of Tallies than they actually paid; by which fraudulent imposing upon those who serve in your Majesty's Armies it appeareth, that notwithstanding they have a greater Pay than is given in any other part of the World, they are yet reduc'd to Inconveniences and Extremities, which ought not to be put upon those who venture their Lives for the Honor and Safety of the Nation.

' 3. In particular, Colonel *Hastings* hath compel'd some Officers of his Regiment to take their Clothes from him at extravagant rates, by confining and threatening those that would not comply therewith; by which the Authority that may be necessary to be lodg'd in the Colonel over the inferior Officers in some cases, is misapplied, and extended so as to promote a private Advantage of his own, without any regard to your Majesty's Service, or to the Discipline of the Army.

' 4. Colonel *Hastings's* Agent hath presum'd fraudulently to detain five hundred Guineas out of a Bounty given by your Majesty to the Officers of that Regiment, under pretence of giving them as a Bribe to obtain the same, to the Dishonour of your Majesty, and Injury to the Officers thereof; and hath taken two pence per Pound out of the Money due to the Officers and Soldiers: for which Deduction there being no Warrant, the Colonel, whose Servant the Agent is, is answerable.

' 5. Colonel *Hastings's* Agent hath refus'd or neglected to give an Account of the Pay due to the Captains of his Regiment and their Companies, which tends apparently to the defrauding the Officers and Soldiers.

' 6. Some of the Agents assume to themselves the liberty of making great Deductions, which, since they know not how to justify, they endeavour to cover, by putting them under the shelter of the uncertain Head of Contingences, which giveth them the better opportunity of hiding the Frauds and Abuses that would otherwise be more liable to be detected.

' 7. Colonel *Hastings* hath discharg'd an Ensign by putting another into his room, contrary to the true Discipline of an Army, from which the Colonels have no Right to exempt themselves to enlarge their own Authority, to the prejudice of your Majesty's Service, and of the Officers who serve under them.

' 8. Colonel *Hastings* hath taken Money for the recommending to Commands in his Regiment, to the great Discouragement of the Officers who are to serve in your Majesty's Armies, who ought to be such as deserve their Commands, and not such as pay for them.

' These

‘ These things we most humbly represent to your Majesty, in confidence of having them redress’d by your Majesty’s Justice and Wisdom.

This Representation being presented to the King, his Majesty was pleas’d to give this gracious Answer thereto, *viz.*

Gentlemen,

I Will consider your Representation, and take all Care possible to have the Grievances redress’d.

Commissioners of Hackny-Coaches corrupted.

About the same time there came a loud Outcry of Bribery against the Commissioners for licensing Hackny-Coaches; and the House of Commons having appointed a Committee to examine it, upon the 8th of March they made report to the House, *That several of the Commissioners for licensing Hackny Coaches, by receiving Bribes, acted corruptly.*

Thereupon the House order’d the Committee to distinguish the Commissioners, which they accordingly did; and in their Report of the 22d of March we find an honorable Vindication of *Henry Ashburst* and *Walter Overbury Esqs*; two of the Commissioners; and that the others had, *by receiving Bribes, and by other undue means, acted corruptly and arbitrarily.* Upon which the House resolv’d, *That an Address be made to his Majesty to remove them from the Commission for licensing Coaches, which was accordingly done, and they were remov’d.*

From these small Beginnings a common Murmur arose, that an universal Corruption had overspread the Nation; that Court, Camp and City were tainted; nay, the very Parliament it self infected: so that the Lords and Commons were ready to write [*Lord have Mercy on us*] upon their Doors. But the House of Commons being awaken’d by the Alarm, began to reflect upon the Wisdom of their Ancestors, and to consider what Measures they had taken upon the like occasions for the Preservation of their Posterity; and resolv’d to search into the bottom of this reigning Corruption: And pursuant thereunto,

Corruptions in the East-India Company.

Upon Thursday the 7th Day of March, the House appointed a Committee to inspect the Books of the *East-India Company*, and of the Chamberlain of London; and empower’d ’em to send for Persons and Papers.

The Names of that Committee were,

<i>Paul Foley Esq;</i>	<i>Sir John Thomson,</i>	<i>Sir Samuel Barnardiston,</i>
<i>Sir Richard Onslow,</i>	<i>Foote Onslow Esq;</i>	<i>Thomas Wharton Esq;</i>
<i>John Pollexfen Esq;</i>	<i>Thomas Pelham Esq;</i>	<i>Francis Gwyn Esq;</i>

Upon Tuesday the 12th of March, Mr. Foley reported from the Committee who were appointed on Thursday last to inspect the Books of the *East-India Company*, and also the Books of the Chamberlain of London, the several Matters as they appear’d to the Committee, which was read, and is as follows:

The Report of the Committee, appointed Jovis 7. Martii 1694. to inspect the Books of the East-India Company immediately.

The Report of the Committee.

THE Committee, as soon as they came to the *East-India House*, understood some Clerks of the Company, by Order, had lately taken out of their Books an Account of all Monies paid for the special Service of the Company, beginning in the Year 1688. Whereupon the Committee call’d for that Abstract, which is as follows.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Paid in Cash for the Company’s special Service in the Year	1688	1284	13 6
	1689	2096	2 2
	1690	3056	3 8
	1691	11372	15 0
	1692	4659	15 4
	1693	80468	16 8
	1694	4075	6 3
		107013	12 7
			Upon

Upon which the Committee observing, That the greatest Payment was in the Year 1693, they search'd for the Orders for the issuing of that Mony, the chief of which were,

One dated the 13th of April 1693, at a Court of Committees, in the words following :

' The Governour this day acquainting the Court with what Proceedings had been made in their Affairs towards granting a new Charter, and with what had been disburst by him in prosecution thereof, the Court approv'd of the said Charges, and order'd a Warrant to be made out for the same ; and return'd him Thanks for his great Care, Pains and Trouble in their Service, desiring him to proceed in the perfecting thereof.

Another was dated the 24th of November 1693, at a Court of Committees, held the same Day, viz.

' The Governour this Day making a Representation of what Sums of Mony had been by him of late disburst in the Management and carrying on of the Company's Affairs for their Service, the Court approv'd thereof, and order'd that a Warrant be made out for making the same paid in Cash accordingly, giving him their Thanks for his great Care and Pains taken therein.

Another was at a Court of Committees holden the 22^d of January 169³, in the words following :

' It being represented to the Court, That in the farther Prosecution of the Company's Affairs, and in order to their Settlement, there have been several Sums of Mony disburst, amounting to 30000 l. in the whole ; the Particulars whereof were now laid before them, and Consideration thereof had ; it is order'd, That the said Mony be made paid in Cash, and that a Warrant be made out accordingly.

Your Committee find by Examination of most of the Persons present at the afore-said Committees, That the Governour in the said Committees did only in general inform what Sums he had disburst, without naming the Particulars to whom, or to what Service : which several of them said was a new course since Sir Thomas Cook came to be Deputy-Governor or Governor ; but in all times before he was concern'd, the Particulars of all Sums for the special Service of the Company, were declar'd.

Further your Committee find, That in pursuance of the first Order dated the 13th of April 1693, 22275 l. was paid out of the Cash in pursuance of that Order, and 24983 l. in pursuance of the next Order dated the 24th of Novemb. 1693. and 30000 l. in pursuance of the last Order of the 22^d of January 1693.

	l.	s.	d.
Amounting in all to —————	77258		
Besides several smaller Sums, amounting in the whole to ———	10144	12	3
Which with the former Sum, makes —————	87402	12	3

All issu'd in the Year 1693, while Sir Tho. Cook was Governor, and Francis Tyssen Esq; Deputy-Governor, for the special Service of the Company. Besides these Warrants, your Committee found what is call'd a previous Order ; a Copy of one of which is as follows :

At a Court held the 24th of Novemb. 1693.

Sir Thomas Cook Governor,
Francis Tyssen Esq; Deputy-Governor,

It is order'd, That the Cashire-General do from time to time make payment of such Sums of Mony for carrying on of the Company's Service, as the Governor shall direct, pursuant to the Sense of the present Debate.

By virtue of which, the Governor receiv'd several Sums between that and the 22^d of January following ; at which time he declar'd, he had disburst 30000 l. and had an Order then for placing the same to Account, as is before observ'd.

The like previous Order was alledg'd to be made to the other Warrants for the 22275 l. and 24983 l. but your Committee had not time to inspect the same.

Your Committee understood that at a Court held the 20th of December 1694, they empower'd several Members of the Company to meet and consider the Matters to them refer'd, by order of the 14th of November 1694. who in pursuance thereof, had drawn up a State of the Company's Cash to be presented to the Company,

pany, dated at the *East-India House* the 7th of *March* 1694. In which State, near all the aforesaid Sums were observ'd to be paid, and plac'd to the Company's Account of Charges general paid out of Cash, viz.

			l.	s.	d.
In	1688 & 1689,	{ Sir <i>Benj. Bathurst</i> Governor, and Sir <i>Josiah Child</i> Deputy-Govern.	2230	14	0
	1690 & 1691,	{ Sir <i>Joseph Herne</i> Governor, and Sir <i>Tho. Cook</i> Deputy Governor,	13532	9	2
	1692 & 1693,	{ Sir <i>Thomas Cook</i> Governor, and Mr. <i>Tyssen</i> Deputy, ————	87402	12	3
In the whole —————			103165	15	5

Of the Disposal of which Mony, the Committee say they have been able to obtain no farther Account, than that the same is made paid in the Company's Books, in general Terms for special Service; and that a great part thereof was, as they are inform'd, put into the hands of Sir *Basil Firebrass*: And the most material Orders of Court that appear to them to relate to the greatest Sums, were those of the 13th of *April* 1693, the 24th of *November* 1693, and 22d of *January* 1693, before observ'd.

In the said State, drawn by the said Committees, they observe, That upon Examination of the Company's Cash-Book, they found the Ballance the 31st of *October* 1694. was 124249 l. 15 s. 10 d. They demanded of Mr. *Portmans* the Cashire, if he had the same in Cash: he replied, he had not; but instead thereof, laid before them in writing, on the 22d of *November* 1694, that 90000 l. was lent upon Sir *Thomas Cook's* Notes, with other Particulars, which make up the above-mention'd Ballance.

For which 90000 l. Mr. *Portmans* produced the then Governor, Sir *Tho. Cook's* Notes, *in hæc verba*.

' Receiv'd the 10th of *January* 1693. of Mr. *Edmond Portmans*, for account of the *East-India* Company, ninety thousand Pounds; which I have disburs'd and paid for ninety nine thousand one hundred ninety seven Pounds Stock in the *East-India* Company, for their Account; which I promise to be accountable for on account of the *East-India* Company, and was by Order of Court the 24th of *November* 1693.

The Committee of Parliament's Observations on the State of the *East-India* Company.

The said Committee do observe, That they do not find any Warrant for the said Sum, or any of that Stock transfer'd in the Company's Books for their Account, exceeding 18300 l. Stock the 16th of *January* last.

The Committees of the *East-India* Company, besides the State above of Cash, did draw up another State of Contracts; in which they say, they found a Contract bearing date the 26th of *February* 1693. for 200 Tun of Salt Petre, to be brought home in the Ship *Seymour* from *India*, to pay the Sum of 12000 l. for the same, and 25 l. Freight per Tun, to the Owners of the Ship, besides all Charges here. 2000 l. part of the said 12000 l. which was the Sum sent out to purchase the said Salt-Petre, is actually paid out of the Company's Cash; and a Bond for the remaining 10000 l. is given under the Seal of the Company, payable the 31st of *March* next, (viz. 1695.) whether the Ship arrive in safety or not; with this Limitation only, That if 200 Tun of Petre be not laden upon the said Ship, then to repay in proportion to the want thereof. So that the Result of this Contract is, viz. the Company runs the Adventure of 12000 l. for that which cost only 2000 l. and must consequently lose 10000 l. if the Ship miscarry: And on the contrary, the Seller on the other hand gets 10000 l. clear, without disbursing or running the hazard of one Penny; and what is yet more, a certain loss of 9 or 10000 l. will attend it, if the Ship arrive in safety.

Your Committee examining the Members of the Company concerning this State, they own the Contract to be true; that the 2000 l. was paid, and the Bond given to Mr. *Tho. Colston*.

About the same time this Contract was made, it appear'd to this Committee, That so many of the Interlopers as would sell their Shares they had in the Interlopers to the *East-India* Company, were allow'd their first Cost, and 25 l. per cent. advance; which was done by giving them Credit for so much in the *East-India* Books.

Your Committee finds Sir *Samuel Dashwood*, Sir *John Fleet*, *John Perry* Esq; Sir *Joseph Herne*, and Sir *Tho. Cook*, are mention'd to be present at the Court of Committees

mittees when the Orders above-recited were made : But they being all Members of this House, the Committee did not think fit to send for them in order to their Examination.

Upon the whole matter, it appear'd to your Committee, That the Mony issu'd during the time of Sir *Joseph Herne* and Sir *Tho. Cooke's* Government, was dispos'd of by them for private Service; which they have caus'd to be plac'd to the Company's Account, under the Head of Charges General; of which the rest of the Committees, who were present at the Debate and making those Orders, most of whom, except the Members of your House, have been examin'd by the Committee, are not able to give any account: But one of them (*viz.* Sir *Benjamin Bathurst*) said, Sir *Joseph Herne* had the greatest part of the 13932 l. 9 s. 2 d. to dispose of; and Sir *Benjamin Bathurst* would have call'd for an Account thereof, but Sir *Tho. Cooke* desir'd he would not. And the Committee of Nine, who was to inspect this whole matter, have often call'd upon Sir *Tho. Cooke* to give an account to whom he has distributed the Mony he receiv'd; to whom he sometimes promis'd to give an Account, but never did: and at another time said, It was not convenient for them to have it. So that the Secret of that Service, and the placing of that Mony, lies principally with Sir *Tho. Cooke* and Sir *Joseph Herne*.

Sir *Benjamin Bathurst* being examin'd, said, That finding so great a Sum as 30000 l. Sir B. Bathurst's Examination. charg'd for secret Services, he had some warm Discourse with Sir *Thomas Cooke* about it, to know how it was disburst: But he refus'd to give him any Particulars, and told him, he should remember he was bound by his Oath to the Company to keep their Secrets. To which he answer'd, he was also bound by Oath to be true to the Interest of the Company.

Sir *Benjamin Bathurst* further said, That about April 1694. understanding they were in want of Mony, he look'd into the Cash-Book; which casting up, he found a considerable Sum in Cash: and taking some Persons with him, discours'd Sir *Tho. Cooke* thereof, who said, The 90000 l. he had receiv'd, was to gratify some Persons in case the Bill should pass.

Sir *Benjamin Bathurst* says, Sir *Thomas Cooke* and Sir *Basil Firebrass* made the bargain about Salt-Petre; but he knew nothing of it till it came into Court.

Sir *Basil Firebrass* being examin'd, own'd he had receiv'd upward of 16000 l. of which he has given an account to the Company; which was for buying Shares of Stock, and of which the Company had allow'd: But said he knew no ground the Committee of Nine had to say, That a great part of the other Sums were put into his hands. He owns he invited several Persons to come into the Company; and offer'd to lay down Mony for several, and that if they lik'd not at the year's end, he would take it off their hands, and to Members of the House of Commons among others: and gave an Account to the Company of his doing so, who promis'd to indemnify him.

Concerning the Accommodation with the Interlopers, the Company had a Letter from the Lord *Nottingham*, That it was the King's Pleasure that they should come to an Agreement with the Interlopers. The Proposal to them was 25 per cent. for bringing in their Stock to the Company, and one half of the Profit besides; which about one half of the Interlopers accepted: But Mr. *Godfrey* and some others standing upon 30 per cent. Mr. *Colston* went off with them, and did not come into the Company.

Mr. *Ward* said it was agreed by the Interlopers, That only 2000 l. should be employ'd in buying of Salt-Petre; and Mr. *Colston* was to have the Advantage thereof, which he believes was not for Mr. *Colston* himself, but for some other Gentleman. And the original Inducement to the leave of the Interlopers going out, was that Agreement with Mr. *Colston*.

The Report of the Committee appointed Jovis Septimo Martii 1694, to inspect the Chamberlain of London's Books; and that they have likewise power to send for Persons and Papers, &c.

YOUR Committee found an Order of the Common Council for the City of London, dated the 24th of January 1693. which nominated and appointed Sir *Tho. Stamp*, Sir *Francis Child*, Sir *James Houblon* and Sir *William Hedges* Knights and Aldermen, Sir *Henry Furnace* Kt. Mr. Deputy *Ayres*, Mr. *Gilbert Heathcott*, Mr. London's John Books.

John Johnson, Colonel *Tho. Cuthbert*, Mr. *Tho. Cuddon*, Mr. *John Harvey*, and Mr. *Daniel Dorville* Commoners; or any two of the said Aldermen, and four of the said Commoners, to be a Committee to consider of Ways and Means for satisfying the Debts due to the Orphans of this City, and to solicit the Parliament for a Bill for that purpose: In which it is order'd, That Mr. Chamberlain do from time to time issue out, and pay all such Sums of Money as are requir'd by and necessary for the said Committee for promoting the said Service; and the Members who serve for this City in Parliament, are desir'd to be assisting to the said Committee as there shall be occasion: And Mr. *Borrett* the City-Solicitor is to attend the said Committee.

Your Committee found an Order made by the said Committee, dated the 12th Day of *February* 1693, reciting the said Order of Common-Council: And order'd, ' That Mr. Chamberlain do pay to the Honorable Sir *John Trevor* Kt. Speaker of ' the Honorable House of Commons, the Sum of one thousand Guineas so soon as ' a Bill be pass'd into an Act of Parliament for satisfying the Debts of the Orphans, ' and other Creditors of the said City. Which Order was subscrib'd by all the said Committee appointed by Common-Council, except Sir *James Houblon* and Mr. Deputy *Ayres*. And on the back of the said Order was this Indorsement, viz.

The within mention'd Thousand Guineas were deliver'd and paid unto the Honorable Sir *John Trevor* this 22d Day of *June* 1694, in the Presence of

Sir *Robert Clayton*, Sir *James Houblon*.

Which at 22 s. Exchange comes to 1100 l.

In the Chamberlain's Account of the Cash, the Entry is thus:

' Paid the 22d of *June* 1694. by Order of the Committee (appointed by Order ' of Common-Council to consider of Ways and Means for satisfying the Debts ' due to the Orphans and other Creditors of the City, and to solicit the Parlia- ' ment for a Bill to that purpose) dated the 12th of *February* last, one thousand ' Guineas, being paid to the Honorable Sir *John Trevor* Knight, Speaker of the ' Honorable House of Commons, pursuant to the said Order; which at 22 s. ' Exchange is _____ 1100 l.

Sir James
Houblon's
Examina-
tion.

Your Committee understood Sir *Robert Clayton* was ill and out of Town: They sent for and examin'd Sir *James Houblon*, who said he refus'd to sign the Order of the Committee of the 12th of *February*, not approving thereof; and being offer'd a second time, he refus'd it again, and abhor'd it: but that Sir *Robert Clayton* did on the 22d of *June* 1694. send for him to come to him; who accordingly, imagining it was only to meet some Aldermen, went to him, where he found the Chamberlain; and at Sir *Robert's* Desire, they went together to the Speaker to give him Thanks for his pains about the Orphans Bill. And as soon as Sir *Robert* and he had past a Complement on the Speaker, the Chamberlain pull'd out a Note or Bill, which he deliver'd the Speaker; which the Speaker took, and presently they all took their leaves of him and came away. Sir *James Houblon* saith he did not know the Contents of the Bill; but the Chamberlain said it was for 1100 l. and that within two or three days afterwards, the Speaker sent for the Money, and had it accordingly: But he plac'd it to account, according to the Day he deliver'd the Bill, which was the 22d of *June*.

Your Committee observ'd, That the Order of the Committee of the Common-Council, which now stands dated the 12th of *February*, was at first dated the 13th of *February*, and that the Person named therein was put in by a different hand: And examining who first writ the Warrant, Mr. *Borrett* own'd it was his Hand-writing; and at first said, that he believ'd the Blank at first left therein, was fill'd up with the Speaker's Name before the Committee sign'd it, because he believ'd they would not set their Hands to a Blank. But all the Committee who sign'd it (who appear'd upon Summons) declar'd, most of them positively, that there was a Blank for the Person's Name when they sign'd it; and the rest being doubtful, Mr. *Borrett* afterwards said, the Blank might be fill'd up afterwards, but he could not tell the time: Mr. *Borrett* own'd he fill'd up the Blank with another Pen.

Sir *Thomas Stampe* was out of Town, and Sir *H. Furnace* was sick; the rest appear'd before your Committee. Sir

Sir Francis Child on his Examination, own'd he had subscrib'd the Paper of the 12th of February, as one of the Committee; but saith, he did not attend the Committee, nor Sir Robert Clayton when he attended the Speaker, and could give little account of the Matter.

Sir William Hedges own'd his Hand to the Order of the Committee, and that he was at the Committee who agreed this Matter: He saith, Mr. Borrett, as he thinks, was the Person who told the Committee the Bill could not pass without giving that Sum; and tho the Order was drawn with a Blank, yet the Discourse at the Committee was, that the Speaker was the Person to whom the Sum was to be given: he knows nothing of the Speaker's being acquainted therewith.

Sir W.
Hedges's
Examina-
tion.

Mr. Daniel Dorville own'd he had subscrib'd the Order of the Committee: He saith, that he attending in the Lobby at the House of Commons upon account of the Orphans, Mr. George Finch Merchant told him, that if there were not some Guineas given, that Bill would not go on; and said, 2000 Guineas were necessary to give him, meaning the Speaker, as he understood. And that Mr. Borrett likewise declar'd his Opinion that Money must be given; and he believeth that Mr. Borrett was the first that mov'd it in the Committee, and nam'd the Sum: but after the Committee had agreed thereunto, the Bill going on, Mr. George Finch ask'd what they had given? Which Mr. Dorville refus'd to tell him; but he believ'd, and understood, that before the Bill pass'd, or any thing material was done in it, the Speaker had notice of the said Order of the Committee, and approv'd thereof; but knows not whether by Borrett's means, or what other hand.

Mr. Dor-
ville's.

Mr. Thomas Cudden own'd his signing of the Order of the Committee: He saith, the first rise of this Matter was, that having prosecuted a Bill for this purpose in former Sessions for a long time without effect, the Committee thought it proper to give this Sum to the Speaker for Leave for the Bill to be brought in; and it was sign'd by the Committee before the Bill was carried into the House; and believes that the Purport of this Order was imparted to the Speaker before the Bill was carried into the House. And further saith, that Mr. Dowse and Mr. Shephard, and he thinks Mr. George Finch, (Persons soliciting for the Orphans) told him that it would cost them as much as it would cost the City.

Mr. Cud-
den's.

Mr. John Harvey own'd the signing of the Order; and that in the Committee there was a Discourse of several Sums to be given to procure the Bill to pass, some naming 500, others 1000, some 2000 Guineas; but he doth not remember any Person nam'd to receive the same.

Mr. John Johnson gave the like Testimony.

Mr. Gilbert Heathcote said, he was not present at any Meeting of the Committee; but that he was the last Person that subscrib'd the Order, which he did by the Example of those who subscrib'd before him.

Colonel Thomas Cuthbert own'd his subscribing the Order; and that he was present at the Committee, where it was agreed to give 1000 Guineas, but knoweth not the Rise or Occasion of it, other than the Clamour of the Orphans that the City were close-handed, and thereby had done them no good, which he believeth was the Reason why the City did consent to give 1000 Guineas.

Mr. Borrett being examin'd, own'd he had in the Committee given his Opinion, that 1000 Guineas should be given to the Speaker. He saith, after the Order was sign'd, it was kept in his hands a month or six weeks, and then deliver'd back by him to the Committee. Being ask'd of his Belief, Whether the Speaker knew of this Order before the Bill pass'd? he saith, he doth believe he did know of it; for he, to satisfy the Clamour of the Orphans, had told their Agent, who he believes had easy access to the Speaker; but that from the time of signing to the time of his Examination, he had not been with the Speaker, nor sent to him.

Mr. Bor-
rett's Ex-
amination.

Your Committee found an Order of the Committee nominated by the Common-Council, dated the 26th of April 1694. reciting the Order of Common-Council, and ordering the Chamberlain to pay to Paul Jodrell Esq; the Sum of 100 Guineas for his Pains and Service in assisting to pass the Bill in Parliament, for satisfying the Debts of the Orphans and other Creditors of the said City; which was subscrib'd by most of the Members of the said Committee, together with Sir James Houblon and Deputy Ayres, who refus'd to sign the Order of the 12th of February; on the back of which was the like Indorsement, that the 100 Guineas were paid to Paul Jodrell Esq; the 22d of June, 1694. in the presence of Sir Robert Clayton and Sir James Houblon, and the payment thereof was entred in the Chamberlain's Book the 22d of June, 1694. which, at 22s. exchange, is 110 l.

The Members who subscrib'd that Order own'd their Hands, and said, it was after the Bill was pass'd.

Your Committee found in the Chamberlain's Books the several Paiments following to Mr. *Borrett* the City-Sollicitor, viz.

Sums paid
to Mr. *Bor-*
rett.

		l.	s.	d.
1693	{ January 5. ———	50	00	00
	{ February 26. ———	100	00	00
	{ March 12. ———	50	00	00
1694	{ April 7. ———	39	14	00
	{ May 5. ———	127	16	00

These Sums were apply'd to defray the Charge of drawing the Bill, making Copies thereof, and of Petitions and Orders with relation to the said Bill; among which Paiments they find,

February 19. Paid Mr. Sollicitor-General for his Advice therein, 5 Guineas.

February 12. Paid Mr. *Harecourt* by order, 5 Guineas.

March 23. Paid Mr. *HUNGERFORD*, Chairman of the Grand Committee, for his Pains and Service, 20 Guineas.

Paid Mr. *Jodrell*, as by his Bill, 60 l. 9 s. 6 d.

Which Accounts were allow'd by the said Committee.

Monies pro-
mis'd for
passing the
Orphans
Bill.

Your Committee understood that the Orphans, for the procuring of this Bill, had given Bond to Mr. *Smith* and Mr. *Charles Nois* to allow them 12 d. in the Pound when the Bill was passed, for their Pains and Charges in that Matter: Which Contract being made void in that Bill, the Court of Aldermen were impower'd to satisfy them their real Expences. Upon which they apply'd themselves to the Court of Aldermen, and got a Petition to be sign'd by many of the Orphans, that they were willing, notwithstanding the Act of Parliament, they should be allow'd 12 d. in the Pound: And the said *Nois* and *Smith* brought in a Bill to the said Committee of their Charges, amounting to 3457 l. 16 s. but, as was alledg'd, they pretended to be a great deal more out of Purse: By which Argument they got Subscriptions to the said Petition, in which Bill there is charg'd paid to Mr. *George Finch*, for carrying on the Act, 1650 l. And Mr. *Dowse* said that Mr. *Smith* told him, they were out of Pocket great Sums of Mony upon account of the Orphans Bill; and when he was sollicit'd to subscribe the Petition for having twelve Pence in the Pound, he would have had them taken six Pence: To which they reply'd, It would not answer their Expectation, for they had been out in this Matter more than ten thousand Pounds.

Mr. *Nois* and Mr. *Smith* being examin'd here, did utterly deny that they had given any Mony to any Member of Parliament on the account of the said Bill, or knew of any to be given; but they were willing to get what they could, having taken a great deal of pains in long solliciting the same. They did say, that notwithstanding they charg'd 1650 l. to be paid Mr. *George Finch*, yet they had not paid him any Mony; but having deliver'd up his Bond for the twelve Pence in the Pound, they valu'd his Share of the Orphans Debt to amount to that Sum.

Mr. *Finch*
his Exami-
nation.

Mr. *George Finch* being examin'd, did deny to have receiv'd any thing from Mr. *Nois* and Mr. *Smith*, or by their Order; but saith, he did apply himself to several of the Orphans for Mony, upon suggestion that there were Obstructions to the Bill, which must be remov'd by Mony; and that he did receive 100 l. from Mr. *John Chadwick*, 100 l. from Mr. *Harvey*, 100 l. from Mr. *Scot*, 50 l. of Mr. *Herne*, and had a promise of 100 l. from Sir *John Smith*, which is not yet paid: That the Obstructions he meant were to take off those who petition'd against the Duty laid in the said Act upon Wine; and finding the Parties concern'd to be very many, he did not treat with them, but kept the Mony to his own use, because he had been at Charges in this Matter. He did deny his paying any Mony to any Member of Parliament; but wavering in his discourse, and being again ask'd if he ever did distribute, or know of any Mony distributed on account of the Orphans Bill, said, it was a hard thing to be ask'd such Questions; which was all your Committee could get from him.

Mr. *John Chadwick* and Mr. *Herne*, prov'd the paiment of the Mony to Mr. *George Finch*, but could give no account what he had done therewith.

Mr.

Mr. George Finch denying he receiv'd any more Mony than that from Mr. Chadwick, &c. amounting to 350 l. which, or part of it, was paid in for his use to Mr. Hornby; and yet being charg'd by Mr. Nois and Smith with 1650 l. in their Bill, tho on their Examination by your Committee they deny they had paid him any, they thought Mr. Hornby's Books might clear this Matter, they keeping Mr. Finch's Account, and therefore sent for them. Mr. Nath. Hornby came upon the Summons without the Books; and being told it was to determine a Difficulty about Mr. Finch's Receipts and Paiments, he absolutely refus'd to let your Committee have a sight thereof, and said, he would not discover to any one whatever what any Person ow'd them, or what they ow'd any Person.

Mr. Hornby's Examination.

But upon better thoughts he did shew his Books, but nothing material appear'd thereby to this Matter.

The House then debated the foregoing Reports, and came to this Resolution.

That Sir John Trevor, Speaker of this House, receiving a Gratuity of 1000 Guineas from the City of London, after passing of the Orphans Bill, is guilty of a high Crime and Misdemeanour.

After this, Sir John Trevor absenting himself from the House, they resolv'd to chuse a new Speaker, and elected Paul Foley Esq; to be Speaker. Then,

A new Speaker chosen. Votes of the House of Commons upon these Matters.

Upon Saturday the 16th of March it was resolv'd, That Sir John Trevor, late Speaker of this House, being guilty of a high Crime and Misdemeanour, by receiving a Gratuity of 1000 Guineas from the City of London, after passing the Orphans Bill, by expell'd this House.

Upon Monday the 18th of March a Vote passed, That whosoever shall discover any Mony or other Gratuity given to any Member of this House for Matters transacted in this House relating to the Orphans Bill, or the East-India Company, shall have the Indemnity of this House for such Gift. And,

Order'd, That Mr. Charles Nois do attend the House the next day: And he attending accordingly, and being examin'd, it was Resolv'd by the House, That

Mr. Charles Nois having to several Persons pretended he was out of Purse, or engag'd to give great Sums of Mony to several Members of this House, in order to pass the Orphans Bill, which on his Examination he deny'd to have given or promis'd, hath been an occasion of Scandal to this House and the Members thereof. And thereupon,

Order'd, That Charles Nois be taken into Custody of the Serjeant at Arms attending this House.

Upon Tuesday the 26th of March it was Resolv'd by the House, That Mr. Hungerford, a Member of this House, having receiv'd twenty Guineas for his Pains and Service as Chairman of the Committee of this House, to whom the Orphans Bill was committed, is guilty of a high Crime and Misdemeanour. Thereupon,

Resolv'd, That Mr. Hungerford be expelled this House.

It was the same day order'd, That Sir Thomas Cooke, a Member of this House, do give an Account to the House how the 87402 l. 12 s. 3 d. mention'd in the Report, was distributed.

And Sir Thomas Cooke being accordingly examin'd, it was resolv'd, That Sir Thomas Cooke having refus'd to give an Account how the said Sum was distributed, be committed Prisoner to the Tower of London.

Sir Tho. Cooke sent to the Tower.

Order'd, That a Bill be brought in to oblige Sir Thomas Cooke to give an Account to whom he paid and distributed the said Mony, and other Sums mention'd in the Report to be receiv'd and distributed by him.

Upon Thursday the 28th of March, the Bill to oblige Sir Thomas Cooke to give an Account was read, and order'd a second reading next day.

Order'd, That the Cashire to the East-India Company do forthwith produce the Warrants for the Sums of Mony amounting to 13532 l. 9 s. 2 d. mention'd in the Report to be paid for special Service or Charges general of the said Company in 1690 and 1691, and the Receipts for the same.

Order'd, That he do also produce the Warrants for the Sums amounting to 87402 l. 12 s. 3 d. paid for special Service or Charges general of the Company in 1692 and 1693, and the Receipts for the same.

The Bill to oblige Sir Thomas Cooke to give an Account, &c. upon Friday the 29th of March was read a second time, and committed to a Committee of the whole House.

The

The Cashire of the *East-India* Company attended, and produc'd Warrants for the several Sums mention'd in the Report; and being examin'd, the Warrants were read.

Sir *Basil Firebrace* attended, by Order, upon Saturday the 30th of *March*, and deliver'd in an Account of Monys by him paid upon the Account of the *East-India* Company, which was read.

A Petition of Sir *Thomas Cooke* was read, praying he may be heard by Counsel before the Bill against him do pass, and it was resolv'd that he be heard by his Counsel.

The House (upon the second of *April*) in a grand Committee, went through the Bill to oblige Sir *Thomas Cooke* to account, and made several Amendments, and order'd the Bill to be reported the next day.

Accordingly upon Wednesday the 3d of *April*, Mr. *Bridges* reported the Amendments made to that Bill, which were read and agreed to by the House; and order'd that the Bill with the Amendments be ingross'd.

The Bill
pass against
Sir Tho.
Cooke.

Upon Saturday the 6th of *April* Sir *Thomas Cooke's* Counsel were call'd into the House, and his Petition read, and also the ingross'd Bill to oblige him to give an Account, &c. was read the third time, and the Counsel were heard; and then the House resolv'd that the Bill do pass, and that Mr. *Bridges* do carry the Bill to the Lords, and desire their Concurrence thereunto, which he accordingly did.

It must be here remembred, that at the first reading of the Bill in the Lords House, to oblige Sir *Thomas Cooke* to give an Account, &c. the Duke of *Leeds* spoke vehemently against it, and introduc'd what he was about to say with a most solemn Protestation of his 'Cleanness and Innocence; and laying his hand on his Breast, declar'd, upon his Faith and Honour, that he was perfectly disinterested, and had no Part or Concern in this Matter, and therefore might the better appear against it; which he did, expressing great Abhorrence of the Bill.

Proceed-
ings of the
House of
Lords about
Sir Tho.
Cooke.

Upon Saturday the 13th of *April*, their Lordships sent a Message to the House of Commons, that they having under their Consideration a Bill to oblige Sir *Thomas Cooke* to account, &c. do desire Sir *Thomas Cooke* (a Member of the House of Commons, and now a Prisoner in the Tower) may be permitted and order'd to appear at the Bar of the Lords House, when desir'd; and thereupon the House of Commons order'd that he do attend the Lords as desir'd, and that Mr. Speaker issue his Warrant to that purpose.

Sir *Thomas Cooke* being brought upon his Petition to the Bar of the Lords, he declar'd himself ready and very willing to make full Discovery; and said, he had done it before in the House of Commons, if he could have obtain'd there an indemnifying Vote; and that their denying it had occasion'd his appearing before their Lordships in that manner: He bemoaned himself (weeping) that he was not indemnify'd at that Instant, so that he might just then make the Discovery which was expected, and which he was so desirous to make.

Thereupon it was demanded of him, What he would be indemnify'd from? He answer'd, *All Actions and Suits*, except from the *East-India* Company, whom, if he had injur'd, he would be bound to undergo the greatest Rigor. He also said, he desir'd to be indemnify'd from *Scandalums*. It was ask'd him, Whether he meant *Scandalum Magnatum*? He said, Yes.

He being withdrawn, the Duke of *Leeds* stood up, and declar'd, 'He was very glad that Gentleman was come to such a Temper, as to be willing to discover, whereby that Bill was prevented, which his Lordship esteem'd to be of so pernicious a Nature.

His Grace minded their Lordships how the Commons took care of the Reputation of their House, in asking Sir *Thomas Cooke* whether he had distributed any Money among any of their Members? who purg'd them by a solemn Protestation, that he had not. His Lordship thinks it reasonable the Lords should have some regard to themselves, and therefore mov'd that Sir *Thomas Cooke* might be call'd in and ask'd, Whether he were willing upon Oath to purge all those who sat there? But this was not receiv'd.

After this the Lords came to a Resolution, That the Bill sent up from the Commons, to oblige Sir *Thomas Cooke* to give an Account, &c. should not be proceeded upon, but appointed a Committee to draw up a Bill to indemnify him.

That Committee being withdrawn, and having made some Progress, notice came from Sir *Thomas Cooke* (by a Reverend Prelate who appear'd zealous for him) to this purpose, That he was afraid he might be misapprehended as to what he said concerning

concerning a Discovery, in that he said he was *willing and ready*; but by *ready* he meant no more than *willing*: and that he should need at least four Months to make the Discovery he promis'd.

This was highly resented by some of the Lords of the Committee, who immediately mov'd that the Committee might rise and report to the House this fresh Matter, and the trifling and prevaricating of Sir *Thomas Cooke*, so that the Bill design'd to oblige him to give an Account might now proceed.

Some Lords mollify'd this; and having taken up some time in speaking, in the mean while Sir *Thomas Cooke* begging a favourable Treatment, engag'd to discover within a Fortnight: He was call'd in more than once, and at last agreed to the Time allow'd by the Bill, *viz.* seven Days. And,

Upon the 17th of April the Lords sent a Message to the Commons, that they have pass'd a Bill intituled, 'An Act to indemnify Sir *Thomas Cooke* from Actions which he might be liable to, by reason of his Discovery to whom he paid and distributed several Sums of Money therein mention'd, to be receiv'd out of the Treasure of the *East-India* Company, or for any Prosecution for such Distribution. To which they desire the Concurrence of the Commons.

Sir Tho. Cooke to be indemnify'd by a Bill.

The Bill was read the first time, and order'd to lie on the Table. And,

A Message sent to the Lords by Sir *Christopher Musgrave*, to put them in mind of the Bill sent up, intituled, *An Act to oblige Sir Thomas Cooke to give an Account, &c.*

Upon Thursday the 18th of April the Commons read a second time the ingrossed Bill from the Lords to indemnify Sir *Thomas Cooke, &c.* and made some Amendments thereto.

Upon Friday the 19th of April, Mr. *Bridges* reported the Amendments; which being read, were agreed unto, and another Amendment made by the House, and then the Bill was read a third time, and pass'd, and Mr. *Bridges* order'd to carry it to the Lords, and acquaint them that the House had agreed to the Bill with some Amendments, to which they desir'd the Lords Concurrence.

Then came a Message from the Lords to acquaint the House, that they had agreed to the Amendments made to the Bill to indemnify Sir *Thomas Cooke, &c.*

Upon Monday the 22d of April, the King came to the House of Lords, and gave the Royal Assent to that Bill, and then told both Houses, that in few Days he must put an end to the Session.

The Act runs thus;

THE Preamble sets forth, That it appears by the Books of the *East-India* Company, that Sir *Thomas Cooke* Kt. in 1693. being Governor of the Company, did receive out of their Stock and Treasure 77258 l. and also 90000 l. And a true discovery of the Distribution of those Sums is necessary to the vindicating the Justice and Honour of the Government, and that Sir *Tho. Cooke* hath voluntarily offer'd to make such Discovery so as he may be indemnify'd.

It is enacted, That if Sir *Thomas Cooke*, on or before the 23d of April 1695. make a true and full Discovery upon Oath, before a Committee of the Lords and Commons, how and in what manner, and to what Person or Persons, and to what particular Uses, Intent and Purposes, and on what Account the said 90000 l. and the Sum of 67000 l. part of the said 77258 l. have been distributed, then he shall not, by reason of such Discovery, be liable to any Action of any Person other than the *East-India* Company; and shall be and is pardon'd and indemnify'd for any Crime in the Distribution or Application of the said Money to any Person other than to himself.

And it is further enacted, That the said Sir *Thomas Cooke* shall, on or before the first of September 1695. either discharge himself upon Oath to the Commissioners for stating and taking the Publick Accounts, of the Sum of 10258 l. Residue of the said 77258 l. or discover to them upon Oath how and in what manner, and to what Person or Persons, and to what Uses, Intent and Purposes, and on what Account the said Sum of 10258 l. hath been distributed or made use of; and in such Case he shall not, by reason of such Discovery or discharging himself upon Oath, be liable to any Action, &c. other than the said Company; and is declar'd pardon'd for any Crime he may be guilty of in the Distribution or Disposal of the same to any Person other than to himself; provided, that if he shall not, on or before the said 23d of April, make such true and full Discovery, that then he shall

The Act to oblige Sir T. Cooke to account for Monies of the East-India Company.

‘ shall from thenceforth continue a Prisoner in the Tower, until he shall have made
 ‘ such true and faithful Discovery upon Oath before the Commissioners for taking
 ‘ the Publick Accounts.

This Act being so pass’d, the Lords by a Message acquainted the House of Commons, that they had resolv’d to nominate Twelve of their House to be of the Committee appointed by the said Act; and accordingly did nominate these following Lords:

A Committee
 of both
 Houses about
 Sir T.
 Cooke’s
 Affair.

The Lord Privy Seal,
 Duke of Shrewsbury,
 Earl of Manchester,
 Earl of Bridgwater,
 Earl of Thanet,
 Earl of Rochester,

Earl of Monmouth,
 Earl of Marlborough,
 Earl of Torrington,
 Lord Viscount Weymouth,
 Lord Cornwallis, and
 Lord Godolphin.

Whereupon the House of Commons resolv’d, that 24 of their House should be nominated to be of that Committee, and order’d that the Speaker issue his Warrant for Sir Thomas Cooke to attend the Committee of Lords and Commons the next day.

Upon the 23^d of April Sir Henry Hobart reported the Names of the 24 Members appointed to be of their Committee for examination of Sir Thomas Cooke, viz.

Sir John Thomson,
 Sir Richard Onslow,
 Mr. Bridges,
 Mr. Charles Mountague,
 Mr. Henry Boyle,
 Sir Henry Hobart,
 Sir Thomas Littleton,
 Mr. Hutchinson,
 Mr. Boscawen,
 Sir Thomas Pope-Blount,
 Mr. Clarke,
 Mr. Pelham,

Mr. Comptroller,
 Mr. Harley,
 Sir Walter Young,
 Sir Christopher Musgrave,
 Sir Edward Abney,
 Mr. Chadwick,
 Sir Herbert Crofts,
 Sir Rowland Gwyn,
 Mr. Papillon,
 Sir William Cooper,
 Mr. Brockman, and
 Mr. Gwyn.

The Report of Sir Thomas Cooke’s Account from the Committee of both Houses.

Tuesday the 23^d of April 1695.

In the Exchequer-Chamber.

AT the Committee of both Houses, appointed to hear and examine Sir Thomas Cooke, in pursuance of the late Act ‘to indemnify Sir Thomas Cooke from Actions which he might be liable to, by reason of his discovering to whom he paid and distributed several Sums of Money therein mention’d, to be receiv’d out of the Treasure of the East-India Company, or for any Prosecution for such Distribution.

Sir Thomas Cooke being call’d in, and the Act read, he thereupon observ’d to the said Committee something relating to the Clause touching his Imprisonment, and did desire that in case he should then make a full and perfect discovery to the Satisfaction of the Committee, it might by them be represented to each House, so as he might obtain their Votes for his Discharge, he apprehending by the Act that no Person is impower’d to release him in case of such Discovery. Whereupon the Committee acquainted him, that they were of Opinion, if he made a full Discovery, he would not be liable to the Penalty of that Act; but however his Scruple should be fairly represented to both Houses.

Sir Thomas Cooke being sworn, acquainted the Committee, that for their Ease he had put his Confession down in Writing, and deliver’d it to them; a Copy whereof follows.

The

The 23d of April.

A true and full Discovery upon Oath made by Sir Thomas Cooke, to the best of his Knowledge, how and in what manner, and to what Person or Persons, and to what particular Uses, Intents and Purposes, and on what Account the Sum of 67000 l. and the Sum of 90000 l. have been distributed, paid, apply'd, dispos'd, or made use of: Which Discovery is in pursuance of an Act of this present Session of Parliament.

	l.	s.	d.
Deliver'd to Francis Tyffon Esq; several Tallies for 10000 l. for the special Service of the Company,	10000	00	00
To Interest and Allowance due for the said Tallies till the same was repaid me,	597	08	10
To Mr. Richard Alton, to defray the Expences of himself, and for his Friends soliciting to prevent a new Settlement of the East-India Company, and to endeavour the Establishment of the old,	10000	00	00
To Ditto for Interest of the Mony, and Gratitude for his Pains, more,	2000	00	00
To Mr. Nathaniel Molineux Merchant, for himself and Friends, in soliciting the Company's Affairs to prevent a new Charter, and establish the old, 310 Guineas,	338	07	06
To Charges on the Salt-Petre, and for the Tallies and other Expences,	164	16	10
To Francis Tyffon Esq; for the Service of the Company,	250	00	00
To what I find by my Notes of Memorandums, is charged to myself, 100 Guineas,	109	03	04
To John Chardin, for several Expences and Services in the Company's Affairs,	220	00	00
To Paul Docminique Esq; for soliciting the Company's Affairs, to prevent a new Company, and to establish the old,	350	00	00
To Captain John Jermain, in consideration of Loss he had by the East-India Stock, and on his Promise to come into the Company's Interest, 350 Guineas,	382	01	08
To Colonel Fitz-Patrick, for the Service done the Company by his Solicitations for a new Charter, 1000 Guineas,	1091	13	04
To Charles Bates Esq; on the same Account, 500 Guineas,	545	16	08
To Sir Basil Firebrace, in recompence of his Trouble in prosecuting the Company's Affairs, and in consideration of other Losses he had sustain'd by neglecting his own Business, and by not engaging himself with the Interloping Ships,	10000	00	00
To the said Sir Basil Firebrace, for 50 l. per cent. Loss on 10000 l. Stock, I was oblig'd to accept of him at 150 l. per cent. being on the Company's Account,	5000	00	00
To Ditto, for a like Loss of 50 l. per cent. on 9000 l. Stock,	4500	00	00
To Ditto, for a like Loss of 50 per cent. on 8000 l. Stock,	4000	00	00
To Ditto, for a like Loss of 50 per cent. on 7000 l. Stock,	3500	00	00
To Ditto, for a like Loss of 50 per cent. on 6000 l. Stock,	3000	00	00
To Ditto, for a like Loss of 50 per cent. on 5000 l. Stock,	2500	00	00
To Ditto, for a like Loss of 50 per cent. on 4000 l. Stock,	2000	00	00
To Ditto, for a like Loss of 50 per cent. on 1000 l. Stock,	500	00	00
To Ditto, for a like Loss of 50 per cent. on 6000 l. Stock,	3000	00	00
To Ditto, for a like Loss of 50 per cent. on 4000 l. Stock,	2000	00	00

To the Attorney-General, for his great Trouble and Pains about the Charters, and other Affairs relating to the Company, 500 Guineas,	l. s. d. 545 16 08
To the Solicitor-General on the same Account, 200 Guineas,	218 06 08
To Mr. Sambrook, &c. for Charges in passing the said Charters,	218 06 08
	67031 18 02

Tho. Cooke.

The 23d of April 1693.

An Account of the Disposition of the 90000 l. mention'd in the said Bill,
which was for *East-India* Stock, bought of several Persons for account of
the *East-India* Company, as by the Particulars below appears, viz.

East-India Stock.					
	l.	s.	d.	l.	s. d.
Of Mr. Robert Marshal	4066	10	0	which cost	3659 17 0
Of Ralph Marshal Esq;	2033	5	0		1829 18 6
Of Mr. Abraham Wilmer	5760	17	6		5184 15 9
Of Mr. John Blaker	1016	12	6		914 19 3
Of Mr. William Sheppard	6777	10	0		6099 15 0
Of Sir Salathiel Lovel	1016	12	6		914 19 3
Of Paul Docminique Esq;	1355	10	0		1219 19 0
Of Mr. John Dubois	2033	5	0		1829 18 6
Of Mr. Robert Lancashire	6777	10	0		6099 15 0
Of Mr. Vincent Sheppard	3388	15	0		3049 17 6
Of Mr. Francis Gosfright	3388	15	0		3049 17 6
Of Frederick Hern Esq;	5422	0	0		4879 16 0
Of Capt. Jonathan Andrews	677	15	0		609 19 6
Of Sir Tho. Grantham	1694	7	6		1524 18 9
Of John Perry Esq;	3388	15	0		3049 17 6
Of Mr. Richard Munford	4744	5	0		4269 16 6
Of Mr. Samuel Ongley	19654	15	0		17996 1 5
Of Rich. Mounteny Esq;	3300	0	0		2970 0 0
Of Mr. Gabriel Glover	5500	0	0		4950 0 0
Of Mr. Tho. Powell	17200	0	0		15695 0 0
	99197	0	0		89799 1 11

For Provision, &c. of the said 99197 l. Stock, only computed at } 200 18 1
200 l. 18 s. 1 d. to make up the 90000 l.

90000 0 0

Thomas Cooke.

Sir Tho.
C's fur-
ther Disco-
very.

The Original being read by Sir Tho. Cook, and the Committee conceiving it to be imperfect, and not such as the Act requires, they acquainted him that they expected a more particular Account of those Matters from him. Whereupon,

To the first Sum of 10000 l. mention'd in the said Writing, he saith, 'The same was paid to Mr. Tysson in November 1692.

'That he gave him no Directions how it should be disposed; but it was in Expectation to have the Charter of the *East-India* Company confirm'd, and new Regulations thereto made; and they concluded it for the Service of the Company. 'It was intended for the Service of the King, but he could not say the King had it.

'He believes the *East-India* Company never had any Account how this 10000 l. was disposed: He told the Court (as he remembers) that he had dispos'd off the Mony, and they requir'd no Account thereof.

He

‘ He believes Mr. Tyssen told him, that he deliver’d it to Sir Josiah Child, who deliver’d it to the King: He saith ’tis a customary Present; and that in King Charles’s and other former Reigns, the like had been done for several Years; which by the Books of the Company may appear.

‘ That the Company, when this Present was made, were in an ill Condition: That he himself advanc’d this Sum, and had it not repaid in 4 or 5 Months time: the same, with the Interest thereupon due, was presented to the King in Tal-
lies.

As to the 10000 and 2000 l. next mention’d in the Account; he saith, ‘ those Sums were paid to Mr. Richard Acton about the same time; who declar’d, he had several Friends capable of doing great Service to the Company’s Affairs, and several of them would speak with Parliament-men: that he could not particularize who they were, but the End aim’d at was to get an Act of Parliament.

‘ That he the said Sir Tho. Cooke offer’d to give the Company an Account how the Mony was dispos’d of, but they did not think fit to receive it. And further saith, that he knows no Man besides Mr. Acton, who can give an account who had that Mony: That he entrusted this Mony wholly with Mr. Acton, taking him for an honest and able Man; the Court having given him Power, as he conceiv’d, to dispose of the Mony by another Hand, as well as by his own. That the Inducements for giving this Mony, were Fears of the Interlopers going out, and Subscriptions for a new Company going on; by which they apprehended the Company would be ruin’d.

‘ That to the best of his remembrance, there was a Bill at that time for another East-India Company, and that the King had sent a Message to the House of Commons to settle the East-India Trade.

‘ That this 10000 l. was advanc’d by Acton himself, and not repaid him in some Months after: Which Mony he believes Acton paid away the same Session. The other 2000 l. to Acton was for Interest, and his Pains, and Expences, which were great.

*M. Acton's
advance of
10000 l.*

‘ Acton did say he could tell some Persons imploy’d in that Affair, He did understand that this Mony was to be laid out for promoting their Affairs in Parliament; could not say to whom it was given, but understood it went no further than the House of Commons, and that he found no good Fruit by such Distribution.

‘ That Mr. Acton at that time had an Interest in the East-India Company, to the value of 10 or 20000 l. as he believes, and had so for some time.

‘ That he gave this 10000 l. with the Privy of Sir Josiah Child, who recommended Acton as a Person capable of doing the Company Service, having great Acquaintance with Parliament-men, and others who had Interest with them.

‘ That he knows not who Acton imployed in the Distribution of this Mony.

As to the 338 l. 7. s. 6 d. mention’d to be paid to Mr. Molineux; he saith, the same was paid him about the same time the Mony was paid to Mr. Acton; that Mr. Molineux told him this Mony was to be dispos’d of to the Lord Rivers: But farther saith, that since his Confinement Molineux had been with him, to tell him that it was a wrong thing; that my Lord never had it, that he had made use of it himself.

As to the further Sum of 250 l. mention’d in the said Paper, to be paid Mr. Tyssen for the Service of the Company; he saith, ‘ It was paid him about the same time, and was in relation to Salt-Peter; but he cannot give any farther Account thereof.

‘ As to the 220 l. mention’d to be paid to Sir John Chardin; he believes it was for his own use, having expended great Sums in the Company’s Service.

‘ As to the 350 l. paid to Mr. Docminique; he saith, He believes the same was expended by him, but he knows not to whom he gave it.

‘ As to the 382 l. 1 s. 8 d. paid to Captain Germain; he saith, That Mr. Germain told him, he had lost 700 l. in the Interest of the Interlopers; who finding that Interest to decline, apply’d himself to him the said Sir Tho. Cooke; proposing that if he might have half the Mony which he had lost repaid him, he would come into the East-India Company’s Interest: Upon which Consideration, the said 382 l. 1 s. 8 d. was paid him.

As to the 1091 l. 13 s. 4 d. paid to Mr. Fitz-Patrick deceas’d; he saith, ‘ that Fitz-Patrick told him he had a great Interest with the Lord Nottingham; that he would try what he could do, and he did not doubt but he might accomplish great

Services, provided he might have such a Sum of Money: but he believes the said Fitz-Patrick kept the Money himself.

That there was a Promise of a farther Sum, if the intended Act of Parliament did not pass.

As to the 545 l. 16 s. 8 d. it was to be paid Mr. Charles Bates when the Charter was settl'd, and was paid accordingly in Octob. 1693. He himself had no Acquaintance with him; but Sir Basil Firebrace told him, he had Acquaintance with several Lords, and nam'd the Marquiss of Carmarthen, now Duke of Leeds.

As to the first 10000 l. paid to Sir Basil Firebrace, it was paid him about November 1693; and it was always his Apprehension, that Sir B. F. kept it for himself, to recompense his Losses in the interloping Trade.

As to the several other Sums, which compleat the further Sum of 30000 l. paid to Sir Basil; he saith, they were paid at one time, tho depending upon several Contracts.

That it was agreed, in case the Charter pass'd, the Company should take 60000 l. Stock of Sir Basil Firebrace at 150 l. per. cent. when the Charter was pass'd. He put this Stock upon the Company at 150 l. per. cent. their Stock was then at 100 l. per cent. by which the Company lost 30000 l. He saith he never could tell to whom this Money was distributed; nor would Sir B. F. give him an account of that Matter, tho often ask'd by him to do it. And Sir Basil said if he were further press'd, he would have no more to do in it.

That the Charter being pass'd, the Company paid the 30000 l. about January 1693, in recompence for the Fall of the Stock. The Company was also to transfer 40000 l. more Stock at 100 l. per cent. if an Act pass'd in 18 Months for confirming and enlarging their Charter; but the Act of Parliament not being pass'd, the Contract for that 40000 l. Stock became void.

Contracts produc'd by Sir Tho. Cooke. Sir Tho. Cooke produc'd a Contract, dated the 19th of Sept. 1693, which was mention'd to be made in consideration of 300 Guineas paid to him; which consideration he declar'd he had not receiv'd.

He likewise produc'd another Contract, dated 25 Octob. 1692.

He saith there were several Contracts; some to the value of 60000 l. on account of procuring a new Charter; and others to the value of 40000 l. on account of procuring an Act of Parliament. They were all in Sir B. Firebrace's Name; one of each sort by him produc'd to shew the Nature of their Contracts.

He saith the 30000 l. was paid to Sir Basil, or his Order, upon ten several Contracts: It was paid in six several Sums, viz. 15 or 20000 l. and he thinks 10000 l. apiece (because no more than that Sum can be subscrib'd by one Person) to Fowls and Wotton; to Mr. Edward Allen 5000 l. to Mr. Hornby 5000 l. That the 30000 and 10000 l. were subscrib'd into the East-India Company; and he believes the Subscribers can give better Information as to these Sums.

He did not know but the Reason, why the 30000 l. was in ten several Contracts, might be because Sir Basil might have occasion to distribute it to several Persons.

As to the 90000 l. he saith that it was 990197 l. Stock, bought for 90000 l. of several Persons, for the Use of the Company, to make good the Contracts with Sir Basil, if he should chuse to accept Stock.

That the Stock was transfer'd to several Persons to the Company's Use; that he was accountable for it, that they had his own Obligation for the same; part of which Stock was transfer'd to the Company, other part was sold to their Use, and they have the Money.

Upon the 24th of April, Mr. Comptroler reported this Examination to the House of Commons; whereupon Debates arose about the same, and

Observations on the Report. [A] inform'd the House, that the Earl of Rivers protested he never had a Penny; and tho he was now of another House, he had the same Esteem and Honour for this House as heretofore; and that he had mov'd the House of Lords, and they had sent for Molineux.

[B] observ'd, that as to all the little Sums, Sir Tho. Cooke knows well to whom they were given; but he could never learn to whom Sir B. Firebrace distributed the Monies he receiv'd; for Sir Basil would not give him an account of that Matter, tho often ask'd by him to do it; Aston would have told him, and he would not hear him: So between these two we are fawn. You have it among you Gentlemen.

[C] observes Sir Tho. Cooke's long Preamble. He had inspected his Papers, and had reduc'd his account into Writing, and deliver'd in that Paper: Yet we find nothing but Generals; not one date, not one time, &c. Hereupon he was examin'd by the Committee; and with great Difficulty what you have, was drawn from him.

As to the first 10000 l. we have but an Hearsay: Mr. Tyssen told him he gave it to Sir Josiah Child, who told him he gave it to the King.

As to the second 10000 l. to Mr. Acton, he proffer'd to tell him the Particulars, and he was unwilling to hear him; but did not doubt but Acton would give a particular and satisfactory account of all distributed by him: And yet, in the same moment, being ask'd where, and in what Condition this Acton was; he declar'd he was a distracted Man, and not able to give you any account at all.

As to the 40000 l. to Sir Basil F. he believes he kept 10000 l. to his own Use; and for the rest, refus'd to tell him to whom, or for what, or when it was issu'd.

He mentions Contracts to the value of 60000 l. on account of procuring a new Charter, and also 40000 l. for an Act of Parliament.

They were not fools, but they parted with Money very easily; their Proprietors are little beholden to them.

[D] says no Man is innocent, if every Man be guilty: We cannot be innocent if we do not lay our hands on these Men, they have betray'd us and the Company, and I hope themselves. Let us go as far as we can, and then we shall not be in Fault: Moves that Firebrace and Acton be order'd to attend the next Day.

[E] seconds the Motion, and moves that they forgot not a Member of their own, who is accus'd for receiving a considerable Sum.

After this there came a Message from the Lords, desiring a Conference; which was had: And there the Lords acquainted the House of Commons, that they had Intimation that Sir Basil Firebrace is near at hand, and will appear; and that their Lordships are of opinion, that all future Examinations of any of the Persons mention'd in the Report of Sir Tho. Cooke's account, be had before a Committee of both Houses, and that their Committee shall be the same it was last.

Thereupon the House of Commons resolv'd that the Members who were of the Committee for the Examination of Sir Tho. Cooke, shall be their Committee for Examination of the Persons mention'd in the Report of Sir Tho. Cooke's Account, and that they have Power to send for Persons, Books and Papers.

Wednesday, 24 April 1695.

In the Exchequer Chamber:

At the Committee of both Houses appointed for the Examination of several Persons touching the Receipt and Distribution of Monies mention'd in a late Act, intitl'd, *An Act to indemnify Sir Tho. Cooke, &c.*

Sir Basil Firebrace being interrogated touching his Receipt of 10000 and of 30000 l. (charg'd on him by Sir Tho. Cooke) and also touching the Distribution thereof: Sir Basil Firebrace's Deposition.

Deposeth, That the said Sum of 10000 l. was given as a Gratuity to him by the said Sir Tho. Cooke, for his Losses; of which he had given Sir Tho. Cooke a satisfactory account that he receiv'd the 10000 l. some time before the Charter for the East-India Company pass'd.

That the said Sum of 30000 l. was receiv'd by him by virtue of a Contract with Sir Tho. Cooke; it was for Favours and Services done.

That the Stock at the time of the Contract, valu'd at 150 l. per cent. falling afterwards to 100 l. per cent. the difference was 30000 l. which they made up to him.

That the Reason of the Fall of the Stock was the Ships not coming in; and if that had not happen'd, he the Deponent had gain'd as much as the 30000 l. paid him.

That he is positive the 10000 and 30000 l. were directly for himself, and for the Use of no other Person whatsoever.

That he paid no part of the same towards procuring a Charter, or Act of Parliament, nor made any Promise so to do.

That he had several Discourses with Sir Tho. Cooke about using his (the Deponent's) Endeavours to procure a new Charter, for that it was his Interest so to do, after the Contracts were made. That

That he did use all his Interest to prevail with the Interlopers to forbear Prosecution, and that he did endeavour all he could to improve the Company's Stock; and made it in his Bargain, that the Company should submit to Regulations in their Charter.

He believes that Sir *Tho. Cooke* might desire him to acquaint him, how he dispos'd of the *Mony*; but that he (the Deponent) told him it was not fair, 'twas contrary to their Agreement; he was not to ask him, the Deponent, what he did with his own.

That in some of the Contracts the Consideration, or *Premium* (mention'd therein) was paid, and refers to the Contracts; that in some of them 5 *l. per cent.* in others five Shillings, is the *Premium* mention'd.

That in the Contract, 15 *Septemb.* 1693, the 300 Guinea's were paid by a Note which Sir *Tho. Cooke* kept some time, and afterwards did deliver up to the Deponent, without having receiv'd any *Mony* from this Deponent.

Being ask'd what particular Service he did, or was to do for procuring a new Charter:

Saith, That he wish'd he might answer to that at some other time, being not well, not having slept two or three Nights, and much indispos'd as to his Health.

That he was unwilling to take too much upon himself, he thought he did great Service to the Company in Sollicitation, and other Services; he knew not of any *Mony* or Stock given to any Person whatever for procuring a Charter.

Being ask'd, whether the 30000 *l.* or the value of 30000 *l.* was wholly for himself, and was not dispos'd to any other Person:

Saith, That no part of it was to any other Person but to himself except one 500 *l.* paid to Mr. *Powell*, whose Christian Name he did not remember; but saith, he lives at *Tbanet-House*: That he was not sure whether he paid that out of this or his own.

It was paid to *Powell* because he had good Interest among the Interlopers, and was instrumental in reconciling Differences.

Die Jouis 25^a Aprilis 1695.

In the Exchequer Chamber.

At a Committee of both Houses appointed for the Examination of several Persons touching the Receipts of Monies contain'd in a late Act, and touching the Distribution thereof:

Hornby's
Examina-
tion before
the Com-
mittee of
both Houses.

Mr. *Hornby* Goldsmith, exhibiteth to the Committee an Extract of Sir *Basil Firebrace's* Account; which being examin'd, and compar'd by the Committee, was sign'd by him (but in regard of the great Length thereof, and for that it no way tends to the Discovery of the Matters enquir'd about, the Reader is not here troubl'd therewith.)

He deposeth, That at the time when he subscrib'd 10000 *l.* into the *East-India* Company's Stock, he had Sir *Basil Firebrace's* Word for his Security, in case the Stock fell, to have 5000 *l.* Part thereof repaid him, if he this Deponent should desire it, at the end of that Year.

That he did call for his *Mony* at that time, and took the *East-India* Company's Bonds for it, payable in *March*; at which time a Sale commenc'd, and having his *Mony* then paid, he transferred it to the Secretary of the *East-India* Company.

To the other 5000 *l.* part of his said Subscription; he saith, That he had no Conditions from Sir *Basil Firebrace* for that, having subscrib'd before he knew such Terms were to be had.

That he knows not whether Sir *Basil Firebrace* made such Terms with others or not; but hath heard he did the same with Mr. *Fowles*.

Mr. Fowles
examin'd.

Mr. *Fowles* exhibited an Extract of Sir *Basil Firebrace's* Account, examin'd as aforesaid, and sign'd by him; but for the Reason before assign'd, it is not here inserted.

He deposeth, That he cannot remember the Names of any Members of Parliament to whom any *Mony* was paid by Sir *Basil Firebrace's* Order.

That he never keeps any private Notes, or Memorandums of Persons Names to whom he pays Monies; and hath no other accounts (as to that Matter) but what are in his Books.

Sir *Basil Firebrace* having desir'd Leave to be call'd in, further deposeth:

That

That having had a Treaty with Mr. *Bates*, whom he thought able to do Service in *Mr. Bates* passing the Charter, and to have Acquaintance with several Persons of Honour, he, *has Notes* this Deponent, gave two Notes for 5500 Guineas to Mr. *Atwell*, payable to Mr. *Bates* or Bearer, *for 5500 Guineas.*

That one Note was for 3000 *l.* and the other for 2500 *l.*

That he, this Deponent, did put the Notes into Mr. *Bates's* hands; who told this Deponent, that he would deal with him for himself; and if the Business were done he would keep the Notes, else deliver them again.

That the 2500 Guineas were paid after the Charter for restoring the *East-India* Company pass'd; the other for 3000 Guineas after the Charter for Regulation pass'd.

That he had these Notes from Sir *Tho. Cooke*, and was accountable to him for the same, which he put into Mr. *Bates's* hands.

That the said *Thomas Cooke* did know, as this Deponent verily believes, how these Notes were to be dispos'd of: And further faith, he told Sir *Thomas Cooke* that Mr. *Bates* had Acquaintance with several Lords, naming the Lord President and others.

That he this Deponent could not tell whom this Money was design'd for, or what *Bates* did with it; for that *Bates* would not deal on such Terms of telling Names.

That *Bates* did introduce him this Deponent several times to the Lord President, who made some Scruples in point of Law: Upon which this Deponent desir'd his Leave that the Attorney General might wait upon him, and he accordingly brought him.

That he doth not remember any other Lord to whom *Bates* introduc'd him.

He faith, that one Day last Week the 5000 Guineas were offer'd by *Bates* back again to him, who said, that this might make a Noise: That if Sir *Thomas Cooke* thought it too much, he would give it him again: and that on Tuesday last 4400 Guineas, being the value of 5500 *l.* was brought to this Deponent.

That the other 500 Guineas are still in *Bates's* Hands.

That Sir *Thomas Cooke* did scruple to take back this Money at first, but afterwards *Mr. Bates* did consent to it, the Morning when he was brought up before this Committee: *offers 5000* whereupon this Deponent gave him *Fowles's* Note for the Money, payable to Mr. *Atwell*, or the Bearer. And this Deponent believes the said Sir *Thomas Cooke* had a *Guineas* double Account, the one was made up with this Sum, the other without it. *back again.*

He further faith, that *Bates* would have paid back the whole, but Sir *Thomas Cooke* said the Account would not be even if the 500 Guineas were brought into that Account.

That this was no part of the 40000 *l.* before-mention'd in this Deponent's Examination, and paid to him this Deponent; which 40000 *l.* this Deponent faith was wholly his own; that he always took care to have it particularly understood that it was for his own Use and Benefit. The same was declar'd before Witnesses.

That they found great Stops in the Business of the Charter, they apprehended it proceeded sometimes from my Lord *Nottingham*, sometimes from others.

That Colonel *Fitz-Patrick* receiv'd 1000 Guineas on the same Terms as was with *Col. Fitz-Patrick* others, if the Charter pass'd. He pretended great Interest with my Lord *Nottingham*, and that he could get Information from the Lady *Derby* how the Queen's Pleasure was. Colonel *Fitz-Patrick* said he would try to prevail with the Lord *Nottingham* for 5000 Guineas upon passing the Charter, and 5000 *l.* on the Act of Parliament, but the Lord *Nottingham* refus'd to take it. He heard a Note (sign'd by Sir *Josiah Child* and Sir *Thomas Cooke*) for 50000 *l.* was lodg'd in *Tysson's* hands, for about a Year, to be paid in case the Act pass'd; and that it was refus'd (as he understood) by my Lord *Portland*: That *Tysson* told him he had made an Offer, and it was rejected: That *Tysson* told him this lately. *receiv'd 1000 Guineas.*

That 1000 Guineas were entred in the *East-India* Company's Books, and were to be paid to Mr. *Ward* and Mr. *Fawcener*, who are of the interloping Interest, and made great Opposition to the Charter. Mr. *Ward* said if he had 1000 Guineas he would bring over others to the Company's Interest: These 1000 Guineas were to be paid on Arrival of the Ship *Seymour*.

That Sir *William Pritchard* and Dr. *Ratcliffe* did accept some *East-India* Stock, but on the same Terms as any Merchant might have done, and they paid their Money for it.

Richard Astor deposeth, That he receiv'd of Sir *Thomas Cooke* the Sums of 10000 *l.* *Mr. Astor* and 2000 *l.* That he this Deponent did tell Sir *Thomas Cooke*, he had Friends who *examin'd.* would take Pains to do the Company Service, but they would have 10000 *l.*

That

That Sir Thomas Cooke agreed 10000 l. should be given; whereupon this Deponent advanc'd that Sum. This Deponent had 2000 l. for his Pains and Trouble in attending two Sessions. If the Bill for a new Company had pass'd, this Deponent was to have had nothing.

That he verily believes he gave Sir Thomas Cooke an Account to whom he distributed it, or else he thinks the Money had not been trusted to him.

That he did not distribute it to Members, but to those who had Interest with Members.

Some of them to whom he gave Money to be distributed, were Mr. Craggs, with whom this Deponent was concern'd in clothing the Army (who had Acquaintance with Colonels in the House, and some Northern Members) Mr. Wallis, Mr. Ridley, Mr. Docminique. Mr. Goldwell (who is since dead) was the only Man whom he himself gave Money to.

That if he had a little time to peruse his Papers, he could recollect further. He then deliver'd in the following Account:

Mr. ACTON's Account.

*M. Acton's
Account.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Mr. James Craggs, _____	4540	00	00
To Colonel Goldwell, [a Member dead] _____	1000	00	00
To Mr. Cupper, _____	103	00	00
To Mr. James Cresset, _____	200	00	00
To Mr. Killigrew, _____	50	00	00
To Colonel Dean, [a Member dead] _____	50	00	00
To Mr. Thomas Lloyd, _____	350	00	00
To Mr. Edward Ridley, _____	500	00	00
To Mr. Thomas Pullen, _____	50	00	00
To Col. Philip Darcy, _____	300	00	00
To Mr. Edward Roberts, _____	200	00	00
To Mr. Paul Docminique, _____	500	00	00
To Colonel Vaughan, _____	150	00	00
To Expences in two Sessions, _____	1300	00	00
To my self for advancing Money, and Interest, and Gratuity, _____	2000	00	00
In all	11293	00	00

[It may be remark'd upon Mr. Acton's Account, and the Examinations of all others concern'd in the Distribution of vast Sums of Money for the East-India-Company, that not one Member of the House of Commons is charg'd with a Penny save Col. Goldwell and Col. Dean, of whom the one got but the poor scandalous Sum of 50 l. the other 1000 l. and these Gentlemen were both dead. But,

The City and Chamberlain of London dealt very candidly, they frankly detected two living mercenary Members, Sir John Trevor and Mr. Hungerford, who were expell'd the House for taking Monies upon the score of the Orphans Bill.

The Electors of Members of Parliament may do well to be caution'd by these corrupt Practices, to weigh well upon whom they cast their Votes upon future Elections; and that is particularly recommended to Colonel Goldwell's late Masters of the Corporation of St. Edmunds-Bury in Suffolk.]

*Mr. Powell
examin'd.*

Nathaniel Powell deposeth, That he was very instrumental in causing a good understanding between Sir Thomas Cooke and the Interlopers.

That he concerted how to bring about Meetings between Sir Thomas Cooke and Sir Basil Firebrace, who had been of a different Interest.

That Sir Basil made some Terms with Sir Thomas Cooke, upon which a Charter was to be had.

That he perceiv'd by Sir Basil Firebrace there was some Difficulty in the Matter. Sir Thomas Cooke insisted to know what Sir Basil Firebrace did with the Money, which Sir Basil refus'd to let him know.

That he always withdrew at their Meetings, his Business being only to go on Errands to procure Meetings; and that one Day he this Deponent ask'd Sir Basil Firebrace, whether he intended to make a Porter of him? Sir Basil gave him his Word that he should have 500 Guinea's, and that about two Months since he did receive 530 l. tho the Promise was to have it paid upon passing the Charter.

That

That he hath bought 10 or 15000 l. Stock at one time of Sir Tho. Cooke. He never took it to be the *East-India* Company's, but Sir Tho. Cooke's proper Stock; and had his Contract for the Repayment of it in six Months, if desir'd: He generally had it repaid. If any Loss was, he always look'd upon it as Sir Thomas Cooke's, and not the Company's Loss.

Die Veneris, 26 Aprilis, 1695.

Exchequer Chamber.

At the Committee of both Houses.

MR. Wotton exhibited a particular Extract relating to Sir Basil Firebrace's Account, taken out of his Cash-Book, which was the same which Mr. Fowles had before exhibited.

Mr. Bates had been summon'd to appear the preceding Day, and was seen going thro *Westminster-Hall* between 5 and 6 at Night, yet could not be found, tho the Lords sent Messengers to look for him: Upon which their Lordships order'd him to be taken into Custody; and being now sworn and examin'd, he deposeth, That Sir Basil Firebrace did apply himself to him to use his Interest for obtaining a Charter for the *East-India-Company*, the old Charter being forfeited, and told him this Deponent they would be very grateful for it, but cannot remember that any particular Sum was nam'd.

That he this Deponent did use his Interest with the Lord President, who said, he would do what Service he could: And further saith, that the Lord President had deliver'd his Opinion publickly for confirming the Charter, and thought the Forfeiture a Hardship.

That the Lord President had often shew'd himself his Friend.

That he receiv'd three Notes for 5500 Guineas in the whole: That he sent a Servant to receive the Mony, but can't say the time: That he told the Lord President what Sum he had, and would have pass'd it upon my Lord, but he refus'd it. Whereupon this Deponent, in regard he could not very well tell Mony himself, did ask leave of my Lord that his Servant might tell the Mony. To which my Lord answer'd, He gave Leave; and accordingly Monsieur Robart did receive the Mony.

That he had not the Notes till after one Charter pass'd; but he saith, that the Notes were given altogether at one time, and that he this Deponent gave no Counter Notes when he receiv'd them; but afterwards he being examin'd to the same Matter, was not positive that Counter Notes were not given: That he thinks when he had the first Treaty with Sir Basil Firebrace, Sir Basil did say he this Deponent should have a Sum, and thinks he nam'd a particular Sum.

That 500 Guineas were receiv'd before June last, and the other 5000 Guineas afterwards.

That the said Notes were not out of his Possession from the time that he first had them, to the time he gave them to Monsieur Robart to receive the Mony; who, after he had receiv'd it, brought the same to him, which bath remain'd in his the Deponent's Possession in his own House, till he paid 4400 Guineas thereof back again to Sir Basil, which, as he takes it, was upon Monday or Tuesday last. And being examin'd again to the same Matter, saith,

That these 4400 Guineas paid back to Sir Basil, were in four Bags, with eleven hundred Guineas in each, brought to him by Robart, within a Month last past. As to the 600 Guineas remaining of the 5000, he at first said he had spent the same; and being afterwards examin'd to the same Matter, did say, they were at home in his Study; but he may have spent some.

The Reason why he paid back the 4400 Guineas was the Noise that it made, and that People may think that he did not deserve them.

That the whole 5500 Guineas were for his own private Use, and that he might have given them to his Footman.

Sir Basil Firebrace deposeth, That the *East-India* Company's Charter being forfeited, Sir Thomas Cooke and others apply'd themselves to him, observing him active, and to have Interest among Noble-men, to endeavour the procuring a new Charter. That Sir Thomas Cooke was apprehensive that it stuck with the Duke of L—, and told him this Deponent, that some way must be found out to the Duke. He thereupon apply'd himself to Mr. Bates, who would not pretend to talk with

the Duke ; but said, He the Deponent must tell him what the Company would do. That he told Mr. *Bates* he thought a Present might be made of 2 or 3000 l. That Mr. *Bates* told him he went to St. James's, and said, he had spoke with his Friend ; and that more had been offer'd by the other side : At another time he said more was offer'd by one side ; and at last said, that 5000 l. had been offer'd by another hand on the same side : Upon which he this Deponent did not come up to the Market. That he acquainted Sir *Thomas Cooke* with this Proposal, who said, if it was insisted on it must be done ; and so it was agreed to offer 5000 Guineas. *Bates* then said, this was nothing to him, he ought not to be employ'd for nothing. So this Deponent was forc'd to go back to Sir *Thomas Cooke* for new Orders ; and so 500 Guineas were given to him besides. That at first *Bates* said, he would undertake no further than that the Duke should not oppose, but he silent, because he did not know but the Duke had engag'd himself by having spoke on the other side. That he this Deponent did except against this, because he would not let the Company's Mony go for nothing ; and it would reflect upon him if nothing appear'd to be done for it.

It was then agreed, that if the Duke did act in favour of the Company, he should have 2 and 3000 Guineas, and *Bates* 500 Guineas to himself. He this Deponent would have put off his 500 Guineas to the last, to ingage him to take the more Pains ; but *Bates* said his Friend would have him have the 500 Guineas to himself first.

Sir *Basil* produc'd a Copy of Mr. *Bates*'s Receipt of a Note for 3000 Guineas, which he thereby promis'd not to call for till the Charter should pass : The Original Mr. *Bates* had back when the Mony was paid ; and he this Deponent had not taken a Copy of the Counter-note for 2500 Guineas.

April the 26th, 1695.

The Copy of the Receipt then produc'd by Sir *Basil Firebrace*.

I Charles *Bates* of Westminster Esq; do hereby acknowledg to have receiv'd of Sir *Thomas Cooke* of London, Kt. one Note signed by *William Atwell* for himself and Company, dated the 8th Instant, and payable to my self for 3000 Guineas, which I promise not to receive or alter the Property of, till such time as the Charter now depending before their Majesties, for making of Regulations, Alterations, and Additions to the Charter and Stock of the present East-India Company, shall pass the Great Seal of England : And in case the said Charter shall not pass the Great Seal on or before the 25th day of March next, I do hereby for my self, my Executors and Administrators, covenant and agree to and with the said Sir *Thomas Cooke*, his Executors and Administrators, to restore and return the above-mention'd Note, in the same manner I receiv'd the same : But if the said Charter shall pass the Great Seal on or before the day above-nam'd, then the Mony mention'd in the said Note to remain to me without farther Account for the same. Witness my Hand this 9th day of September 1695.

Witness

B. F.

Charles *Bates*.

Sir *Basil*
Firebrace
his Deposi-
tion still.

The Deponent further saith, That after the first Charter was passed in October, he sent to Mr. *Bates* that he might call for the Mony, and he did call for it in two or three days : That the other Note was paid in a Week after the passing the second Charter. From the time the Notes were given they had free access to my Lord President, and found him easy and willing to give us his Assistance.

That Mr. *Bates* was shy, and call'd it his Friend at St. James's : That the Condition of one Draught which Mr. *Bates* brought, was worded, in case the Lord President did not assist the Company in passing the Charter ; to which this Deponent made an Alteration, by putting out my Lord's Name, and making it not payable in case the Charter should not pass, or to that effect ; *Bates* said it came from his Friend at St. James's.

That about a Week before the Mony was brought back again, this Deponent went to *Bates* about it, who then told him, it was all for himself.

That on Sunday night last, or Monday, *Bates* being at his own House, said, He had not the Mony by him, but he would fetch it ; and that the Mony he thought was in Silver :

ver: But afterwards told this Deponent it was only a Mistake, and had brought it in Gold, which by computation came to the same Sum.

That when this Deponent told him, that Sir Thomas Cooke would not take the whole back; Bates said, He could give no answer to it till he had spoke with his Friend.

This Deponent saith, That on Monday last 500 Guineas were left at his House by Mr. Clive, a Friend of Sir John Trevor's, who said, he brought it from Sir John Trevor, to whom Sir Thomas Cooke had before paid it with his own hands, under colour of an Arrear for four or five Years, as he had been Commissioner of the Great Seal; and that he this Deponent was present when Sir Thomas Cooke gave it: And there was at another time 200 Guineas order'd to be given to him the said Sir John Trevor as a New-Year's Gift, by Sir Joseph Herne.

That as to 20000 of the 30000 l. before-mention'd, the same Sums were not actually paid till since Lady-day. And as to the other 10000 l. he hath it now in Stock in the East-India Company.

That as to 5000 l. part of the said 30000 l. he did design one third thereof to Sir Edward Seymour, one third to Sir John Trevor, and one third to Mr. Guy. 5000 l. design'd for 3 Persons.

That he offer'd the same to them by Mr. Guy: But Mr. Guy told him this Deponent, they did not desire to meddle with the Stock, but would do any Service they could to promote getting the Charter. And Sir Edward Seymour afterwards meeting him this Deponent, chid him for making that Proposal, and told him, if he made any more such Proffers, he would never have any thing more to do with him.

That he this Deponent did tell Mr. Guy, that the Advantage to them in passing the Charter and Act of Parliament would be worth 10000 l. among them.

That he this Deponent did intend a Distribution of all the 30000 l. in manner following, viz. 30000 l. how to be disposed.

To Sir Edward Seymour, Sir John Trevor, and Mr. Guy, 10000 l. in case the Charter and Act of Parliament passed. To the Merchants Interlopers 10000 l. and to himself 10000 l.

That he this Deponent thought himself oblig'd in Honour to pay two thirds of the 5000 l. when receiv'd, to Sir John Trevor and Mr. Guy: the other third which he intended for Sir Edward Seymour, he kept for himself. That Sir John Trevor did some time afterwards give this Deponent some hints of his Expectation.

Sir Josiah Child being examin'd, said, He never dispos'd of 10 l. of the Company's to his remembrance; always affecting Ignorance in that Matter. Said, he did recommend Mr. Atton as being an honest Man, and thought he might do Service to the Company in Parliament, because of his Acquaintance: That he did recommend it that a Present of 50000 l. should be made to the King, if his Majesty would so far wave his Prerogative, that an Act of Parliament might be passed for settling the Company; but Mr. Tyffson told him, the King would not meddle in that Matter. Sir Josiah Child examin'd.

That he knew nothing of the 40000 l. paid to Sir Basil Firebrace: says, there was a kind of a Committee of 25 Persons that sat de die in diem, to destroy the Company; and he told Sir Thomas Cooke that he thought Sir Basil the fittest Person to divide them.

Mr. Atwell produc'd his Cash-Books, by which it appears that,

	l.	s.	d.
October 9. 1693. Mr. Bates had receiv'd	545	6	3
October 10.	2181	5	0
November 16.	3275	0	0

And said, the Mony was paid by Order of Sir Thomas Cooke.

Mr. Bates being again examin'd, said, he believ'd the Mony might be paid as the Books express'd. And further own'd, that he had not 4400 Guineas in his House on Sunday night last, but that the 4400 Guineas which he paid back to Sir Basil Firebrace, were brought to him by Monsieur ROBERT on Tuesday morning last 8 a Clock.

Mr. Tyffson being examin'd, said, That Sir Thomas Cooke and Sir Josiah Child gave him a Note under their Hands for 50000 l. which was intended to be presented to the King, if his Majesty would pass an Act of Parliament as they should desire. Mr. Tyffson examin'd.

That he acquainted the Lord *PORTLAND* of the Company's Intention to make such a Present; who told this Deponent, that *the King would not meddle with it.* And,

Being ask'd whether he had offer'd the same to the Lord *Portland*, he deny'd he had so done, saying, *if he had, he must never have seen his Face more.*

He saith, that when he was examin'd before the House of Commons, he did not take it that the 10000 *l.* given to his Majesty was included in the Sum charg'd upon Sir *Tho. Cooke*, being before the Date of any Order for that Mony.

Mr. Craggs
examin'd.

Mr. Craggs being examin'd, gave in an Account how he had dispos'd and apply'd 4540 *l.* with which he was charg'd by *Mr. Acton*, which Account is undermention'd; and he deny'd that he ever paid any Mony to Members of Parliament.

An Account of the Disposal of 4540 l. which I receiv'd of Mr. Acton, which was distributed in the manner following:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To <i>Mr. Wallis</i> for his Sollicitation, and Encouragement to engage } in the Company's Stock and Interest, _____	1150	0	0
To <i>Mr. Chudleigh</i> for his Pains and Sollicitations _____	100	0	0
To <i>Mr. Ridley</i> , which was all or the greatest part given to <i>Mr. } Ferguson</i> , to the best of my remembrance _____	104	0	0
To <i>Mr. Darcy</i> 50 Guineas in part for solliciting and application in } the Company's Affairs _____	54	0	0
To <i>Mr. Robarts</i> in part for the same _____	54	0	0
More in Expences for the Year 1692. _____	390	0	0
More in Expences for the Year 1693. _____	460	0	0
More in Expences for the Year 1694. _____	410	0	0
More for Encouragement of my Friends and self to subscribe 7000 <i>l.</i> _____	350	0	0
More for my own Pains and Sollicitations to prevent a new Settle- } ment, and endeavouring to establish the old <i>East-India</i> Company- }	1468	0	0
In all	4540	0	0

James Craggs.

The Report
of the Com-
mittee of
both Houses.

Mr. Comptroller upon Saturday the 27th of *April*, made a Report from the Committee of both Houses of the said Examinations by them taken; which being read, after the reading the same, the following Debates arose.

Debates
thereupon.

[*B*] stood up and said, ' *Mr. Speaker*, I conceive there is a Necessity to search this Matter to the Bottom. The House has a Thred in their Hands, they ought to provide Laws for the future to prevent the Members of this House taking Mony. All imaginable Endeavours have been us'd to stifle all Discoveries. 10000 *l.* has been pretended to be given to the King. 50000 *l.* offer'd to buy an Act of Parliament, or gain their Charter. The Facts prove themselves, and *Mr. Bates* appears an unfortunate Person, whom the care of his Friend (the D—of L—) and the Sense of his Oath have caus'd to make such Contradictions.

' I move that the House would put the Matter in such a Method as becomes their Justice, and as the shortness of their time will allow.

[*D*] *Mr. Speaker*, I do fully agree with the worthy Person near me, that there never were greater and more general Instances of Corruption, and Necessity of speedy Remedy. That it is very fit this House should let the World see that they are in earnest.

' I ask leave to put you in mind, what Practice and Arts have been us'd to stifle and stop your Discovery, so that what you have is, as it were, by the utmost Force and Constraint. You cannot wonder at it, when you now find so great a Man at the Bottom; but there is no Person in a Post so high that this House cannot reach, no Man's Practice or Art so deep that this House cannot discover.

' Here have been all imaginary Endeavours us'd to obstruct this Enquiry. First, His Majesty's Name was made use of at the Committees, with hopes perhaps that that might stop any farther Enquiry; and if it were made use of there, you may reason-

‘ reasonably expect it was made use of elsewhere: But that appear’d to be so far from being a Matter of Reflection on the King, that Sir *Josiah Child* often complain’d of it as a Rudeness to his Majesty, that what other Kings had yearly as a Present, they had not offer’d to his Majesty in three Years: It was indeed, if not a matter of Right, a matter of Custom.

‘ Then a Noble Lord, who may be nam’d for his Honour upon this Occasion, the Earl of *Portland*, he when the great Sum of 50000 *l.* was press’d upon him, did absolutely refuse it, and told them he would for ever be their Enemy and Opposer if they offer’d any such thing to him.

‘ I having thus mention’d the Innocent, must say somewhat of the Guilty. A stop having been put, the D— of *L—* must be apply’d to: Certainly there never was a more notorious Bribery, and that in a Person whom we might have expected to have been free from such a Crime, whether if you respect the Greatness of his Place, or of his former *Obligation*. It is fit to speak plainly on such Occasions, the House ought to endeavour to remove such a Person from the King’s Council and Presence. What Security can the Nation have, when we are bought and sold to one another? We have seen our Designs defeated, our Attempts betray’d, and what wonder is it? Can any man think it more strange that our Counsels should be sold abroad, than that Charters should be sold at home? Certainly a Man may reasonably believe, that he who will sell the Subjects, will sell the Kingdom if he can have a sufficient Bribe. What Prince can be safe in such Counsels which are given for private Advantage?

Concluded,

‘ That several Proposals for Remedy may be here offer’d. One, that this House should address his Majesty to remove the D— of *L—*; but, with submission, an Address is too mean, too low a thing for the House to do at this time, and upon such an occasion: I therefore move we may lodge an *Impeachment*. *D. of L. to be impeach’d.*

‘ That *Tho. D— of L—*, Lord President of his Majesty’s Council, be impeach’d by this House.

Or thus,

‘ That *Tho. D— of L—* be impeach’d by this House of high Crimes and Misdemeanors; and particularly of Corruption in taking a Bribe of 5000 Guineas to obtain a Charter and Regulation for the *East-India* Company.

[*E*] says, ‘ I wonder the Gentleman who spoke last should say that which I hope he did not believe, That that Lord should have sold our Counsels to *France*.

[*D*] rose and said, ‘ It is with some uneasiness I stand up, but that Gentleman forces me to it, for I do not take pleasure to rake in a Dunghil. I was far from saying any such thing, but argu’d only from possibility; that it was as reasonable to believe one as the other. That when Honour and Justice were not the Rule of Mens Actions, there was nothing incredible that might be for their Advantage.

‘ [*F*] seconds and agrees in the Motion for an Impeachment.

[*G*] says, ‘ That God alone, who can produce Light out of Darkness, can fully discover the dark Practices in this Affair. That such Actings as these are a Blemish, if not a Scandal to the Revolution it self; I agree in the Motion for an Impeachment.

The Question propos’d, *viz.*

‘ That *Tho. D— of L—*, President of his Majesty’s Council, be impeached by all the Commons of *England* of high Crimes and Misdemeanors.

[*I*] thereupon demanded, ‘ By what Law it is a Crime to take Money at Court? *Debates upon it.*

[*K*] answer’d, ‘ If there be not a Law, it is time there should be a Law to prevent it.

[*L*] says, ‘ The Law of God is against him, and broke by him. He took an Oath as a Privy-Counsellor. Justice is not to be sold by the Common Law. But there are Parliaments to punish such Crimes, and ’tis hop’d there will be still.

[*M*] says, ‘ It seems doubtful whether there be Matter in this Report for an Impeachment; therefore before the House goes to an Impeachment, they ought to put the Question upon the Report, and see whether it be a Crime.

[*N*] objects, ‘ There is no Law, so no Transgression.

Upon the Debate the Question was alter’d to,

‘ It appears to this House, that there is in the Report now made from the Committee of both Houses sufficient Matter to impeach *T. D— of L—*, Lord President of his Majesty’s Council, of high Crimes and Misdemeanors.

O, P,

O, P, Q, R, all moved for excusing.

After these Debates it was resolv'd by the House as follows, viz.

Resolv'd, 'That there does appear to this House, upon the Report from the Committee of both Houses, appointed to examine the Persons mention'd in the Report of Sir Thomas Cooke's Account, that there is a sufficient Matter to impeach T. D— of L—, Lord President of his Majesty's most Honourable Privy-Council, of high Crimes and Misdemeanors.

Resolv'd, 'That T. D— of L—, President, &c. be impeach'd of high Crimes and Misdemeanors. Hereupon,

D. of L. im-
peach'd in
the House
of Com-
mons.

The House order'd Mr. Comptroller to go up to the Lords, and at their Bar, in the Name of the House, and of all the Commons of *England*, impeach Tho. D— of L— of high Crimes and Misdemeanors; and acquaint them that this House will in due time exhibit particular Articles against him, and make good the same.

D. of L.
comes to
the House of
Commons.

[S] inform'd the House of Commons that the D. of L— was at the Door, and desir'd to be admitted into the House to be heard; and he was admitted, and a Chair plac'd for him within the Bar. And,

Mr. Speaker told him that the House being inform'd that his Grace desir'd to be heard, were ready to hear him, and that there was a Chair that his Grace might repose himself, and signify'd to him that he might please to be cover'd.

The Duke thereupon sat down, put on his Hat, then rose, uncover'd himself, and said,

His Speech
in the House
of Com-
mons.

'Mr. Speaker, and Gentlemen of this House, in the first place I thank you heartily for this Favour of hearing me.

He then proceeded, declaring 'his Innocence, and that he had attended sooner if he had had the least Intimation what the House was upon: he wish'd the dispatch thereof had not been so quick. That the occasion of his coming was from the two Votes upon the Report from the Committee of both Houses: that he had done all he could to be inform'd of the Particulars, but could not, nor had any Notes. That finding himself concern'd, he was earnest therein; hearing of a Report, a monstrous long Report, to the end he might not lie under the Displeasure of either, or both Houses.

He added, 'It is a bold Word, but 'tis a Truth, *This House had not now been sitting but for me.*

'That he was formerly pursu'd by this House in two Points; for being for the *French Interest*, and for *Popery*: That he had then (*if he might have been heard*) justified himself, and hop'd he had since, and will by all the Actions of his Life.

'That one *Firebrace*, by the means of Mr. *Bates*, was introduc'd to him: That he had long known Mr. *Bates*; and if he be not much deceiv'd in him, he cannot believe that Gentleman would have transacted such a Matter, if put upon it.

'That the Evidence is but an Hear-say, and he hopes they will not condemn on Hear-say: That he would not take up their time by entring into Particulars.

'That as well as a *Treaty-part*, there is also a *Mony-part*; that as to the *Mony-part*, much of it is false, and what is true he has made no Secret: That he can, and doth say, that (neither directly nor indirectly, upon his Faith and Honour) *he never touch'd one Penny of the Mony.*

'That he observes a great deal of pains has been taken to hook and draw in this Matter by a side-wind: That this *Firebrace* thinks his Merit will deserve 10000 *l.* and 30000 *l.* That this 5500 Guineas was no part of the 40000 *l.*

'That the Witnesses were call'd in by the Committee; but in this, *Firebrace*, after his first hearing, desired to be call'd in again himself, contrary to all Rules: This shews him at least a very willing Witness.

'That he has a Thred which he hopes to spin finer; and make it appear, that this was a Design laid against him long before the naming this Committee: That *Warning was given him some time since that this Matter would be improv'd against him*: That *Firebrace* had been told, he should be excus'd if he would charge the Duke.

'He asks no Favour, but your favourable Justice: That it will be a most unfortunate thing in point of time, to be under the Displeasure of this House, or of the Nation.

'He prays that no severe sense may be put on what will bear a candid one; and that if it may be, the House would reconsider what is done, or at least preserve him

him from Cruelty, and not let him lie on the Rack, and be blasted until a Parliament shall sit again.

That if they will proceed, it may be speedily; for he had rather want Counsel, want Time, want any Thing, than lie under their or the Nation's Displeasure.

He concluded, 'renewing his Thanks, and praying, if they would not reconsider, that then the Matter may be brought to a determination, and that he may have at least their *speedy Justice*.

This Speech being ended, and the Duke withdrawn, Mr. Comptroller went up to the Lords (attended by many Members) with the Impeachment. And,

At that instant it was proposed in the House, That the Articles should be forthwith drawn up; and thereupon the Committee which were join'd with the Lords, were appointed to withdraw and prepare Articles of Impeachment against the Duke of Leeds.

The Impeachment sent to the Lords.

[*Note*, This Order was made when many of the Members were gone up with Mr. Comptroller to the House of Lords; and it was done in such hast, that the Committee had no power to send for Persons, Papers, &c.]

Mr. Comptroller return'd, and reported to the House, that he had been at the Lords, and at their Bar impeached the Duke of Leeds of high Crimes and Misdemeanors; and acquainted them that this House will in due time exhibit particular Articles against him, and make good the same.

After the Duke's withdrawing, the House of Commons took his Speech into consideration: And,

[*D*] says, 'That by this Noble Lord's Speech, the Point is now, Whether the House will arraign the Committee of both Houses, or go on with their Impeachment.

The Duke's Speech considered in the House of Commons.

'That this Noble Lord, when he came to the Matter, would not enter into Particulars, but passed it over with excuse of wanting time.

'He makes no Excuse as to the Facts: his Argument of a Contrivance was, that the 5000 Guineas charg'd on him, was no part of the 40000 l. Firebrace was to account for. But this is an Aggravation of the Crime; for Sir Thomas Cooke had a double Account, one with, and one without the 5000 Guineas: And this is an Indication, that if there was a Contrivance, it was not by the Committee, but with Sir Thomas Cooke, to stifle the Inquiry and conceal the Corruption.

'That the *speedy Justice of the House* was to be wish'd and desired: That if there was such a Contrivance, such a Thred as is mention'd by that Noble Lord, 'twas not to be doubted, but that House where he is impeach'd will clear him.

[*T*] mov'd that a Committee might be appointed to withdraw to consider what was to be done in order to gratify that Noble Lord by *speedy Justice*.

He observ'd, that his Friend's (Mr. Bates) tricking and contradicting himself, is more than the Evidence of Firebrace: Who was his Friend? Who was his Servant? Those were Questions not to be ask'd. Monsieur Robart was a Servant of my Lord President's, and is fled.—Mr. Bates said he kept the Mony in his House: What was become of it? Sometimes he had spent it, sometimes it was in his Closet: He did own the Mony was not in his House on Sunday; but on Tuesday-morning Robart brought it to him, but he would never declare from whom he brought it.

'[If an Answer may be given without Doors, and it will not disoblige the Honourable Member who made this Inquiry, I'll inform him that the Duke's endear'd Friend Mr. Bates, to whom his Grace was a Shadow in the Matter of the 5000 Guineas, is a Non-Juror, and is at present rated in the Parish of St. Paul Covent-Garden at 500 l. (not 5000 G.) to the present Tax of 4 s. per Pound, and pays 12 l. this Year for a double Tax for the 500 l. It proves happy to some body that the Gold was not now to be fetch'd from St. GERMAINS, instead of St. JAMES's.]

Mr. Bates a Non-Juror.

A Message was then sent from the Lords, to acquaint the House of Commons, That it is the Opinion of their Lordships, that the Discovery made by Sir Thomas Cooke is not satisfactory, nor so full as to intitle him to the Benefit of the Act made to indemnify him; and that their Lordships desire the Concurrence of the Commons. They thereupon instantly pass'd a Vote as the Lords had done, and sent it up by the Lord Coningsby. Then,

Sir Tho. Cooke's Discovery voted not satisfactory.

They

They ordered, that the Committee who withdrew to prepare the Articles against the Duke of Leeds, do make their Report on Monday.

[Note, This Order was gain'd in the Absence of the Members who were at the Committee, and before they had Power to send for Persons and Papers: And their being so pressed by Orders made in their Absence, gave Occasion for a Motion, that the House would not proceed on Business in their Absence, especially upon what related to the Matter refer'd to them.]

Upon Monday it was ordered, That the Committee appointed to prepare the Articles against the Duke, have Power to send for Persons, Papers, and Records.

As passed
for impri-
soning Sir
Tho. Cook
and others.

A Message came from the Lords, that they have passed a Bill, intitl'd, *An Act for imprisoning Sir Tho. Cooke, Sir Basil Firebrace, Charles Bates Esq; and James Craggs, and restraining them from aliening their Estates*: to which they desire the Concurrence of the Commons; and it was read.

Mr. Comptroller reported from the Committee appointed to draw up the Articles against the Duke of Leeds, that they had prepar'd the same, and directed him to report them; which he did, and they were read and agreed to, as follows.

ARTICLES exhibited by the Knights, Citizens, and Burgeses in Parliament assembled, in the Name of themselves, and of all the Commons of England, against Thomas Duke of Leeds, President of his Majesty's most honourable Privy-Council, for high Crimes and Misdemeanors.

Articles a-
gainst the
Duke of L.

I. 'THAT certain Merchants trading to the East-Indies, having either forfeited their Charter, or being under an Apprehension that they had forfeited the same; and having made their humble Applications to their Majesties in Council for obtaining a Charter of Confirmation, the said Duke of Leeds being then President of their Majesties most honourable Privy-Council, and sworn to give their Majesties true and faithful Advice, did contrary to his Oath, Office and Duty to their Majesties, and in breach of the great Trust repos'd in him, by himself, his Agents, or Servants, corruptly and illegally treat, contract, and agree with the said Merchants, or their Agents, for five thousand 500 Guineas, to procure the said Charter of Confirmation, and also a Charter of Regulations, or to use his Endeavours to obtain the same.

II. 'That in pursuance of such corrupt Contract and Agreement, the said Duke of Leeds did by himself, his Agents or Servants, receive or accept from the said Merchants, or their Agents, certain Notes or Securities, whereby he or they were impowred to receive the said 5500 Guineas upon the passing the said Charters.

III. 'That soon after the passing of the said Charter of Confirmation, the Sum of 2500 Guineas, part of the said 5500 Guineas; and soon after the passing of the said Charter of Regulations, the farther Sum of 3000 Guineas, other part of the said 5500 Guineas, were, pursuant to the said corrupt Contract and Agreement, actually receiv'd by the said Duke of Leeds, or by his Agents or Servants with his Privy and Consent. And the said Knights, Citizens and Burgeses, by Protestation, saving to themselves the Liberty of exhibiting at any time hereafter, any other Accusation or Impeachment against the said Thomas Duke of Leeds, and also of replying to the Answer that the said Duke of Leeds shall make unto the said Articles, or any of them, or of offering Proof of the Premises, or any other Impeachments or Accusations that shall be exhibited by them, as the Case shall (according to the Course of Parliaments) require, do pray that the said Thomas Duke of Leeds be put to answer the said Crimes and Misdemeanors, and receive such Punishment as the same shall deserve: And that such Proceedings, Examinations, Trials and Judgments, may be upon every of them had and us'd, as is agreeable to Law and Justice.

These Articles were ordered to be engrossed; which being done, Mr. Comptroller was ordered to carry them to the Lords, which he accordingly did.

In the House of Lords.

Saturday, April 27.

About the same time that Mr. Comptroller made the Report to the Commons, from the Committee of both Houses, the Lord Privy Seal made the same Report to the Lords; and after the reading thereof the Duke of L — expressed himself in this manner, viz.

‘ That as he had formerly protested himself to be free in this Matter; so he still deny’d, upon his Faith and Honour, that he was guilty of any such Corruptions as were suggested against him, and that if the whole Truth were laid open, it would tend to his Honour and Advantage. The Duke of L. Speech in the H. of Lords about the Transaction with Mr. Bates.

‘ That he would be very free in telling their Lordships now before-hand, all that passed, in which he was any ways concern’d. And thereupon declar’d, that Mr. Bates introduc’d Sir Basil Firebrace to him, and that he had Conferences with Sir Basil upon the Subject of the East-India Company, which Firebrace was concern’d for.

‘ That some time after, Mr. Bates came and inform’d him that he was to have a Sum of Money of Sir Basil Firebrace; and desir’d his Lordship to lend him one of his Servants (Mr. Bates keeping but a Foot-man) to receive the Money, and so he lent him Monsieur Robert.

‘ That his Lordship knew nothing of the Sum; but afterwards Mr. Bates came to him, and told him he had receiv’d 5000 Guineas which he offer’d to him, telling his Lordship that he had been very obliging and kind to him, and that in Acknowledgment of the many Favours he had receiv’d from his Lordship’s Hands, he humbly desir’d him to accept of them: Which he refusing, Mr. Bates press’d him earnestly to take one half or a quarter; which he still refus’d, declaring he would not touch a Penny of them; and told him, since he had taken them he thought there was no need of returning them, they were his own, and wish’d him good Luck with them. As I remember (said his Lordship) I did once to Mr. Harry Savile, for whom I had a great Respect; which reminds me of a Story I must needs tell your Lordships upon this occasion. He then related the Story: That when he was Treasurer, the Excise being to be farm’d, for which many put in, the Bidders for it (who were to give in their Proposals seal’d up) having apply’d to Mr. Savile for his Interest at Court, he came to his Lordship and desir’d that he would tell the Gentlemen that put in (who were several) that Mr. Savile had spoke for them: What, said I (proceeded the Duke) would you have me tell all of them so, when but one is to have it? No matter for that, said Mr. Savile, for whoever has it will think I have done him this Service; and I am sure of a good Present, without more ado: So (my Lords) when the Men came, I told them one after another, Sir, you are very much oblig’d to Mr. Savile, Sir Mr. Savile has been very much your Friend. A little after, when the thing was settl’d, Mr. Savile came and thank’d me for what I had done; and told me he had got his Present that he had expected: which I told him I was glad of, and wish’d him good Luck with it, as I now did to Mr. Bates. And thus I was then a Shadow to Mr. Savile, as I was now to Mr. Bates.

About the time the Duke ended this Speech, private Notice came to the House of Lords, that the Commons were proceeding to an Impeachment against him; whereupon the Duke left the House in great haste, and going to the Door of the House of Commons, was admitted, and there made the Speech, as before related, Page 502.

Monday, April 29.

The Articles of Impeachment being brought up to the Lords, and read, the Duke of Leeds repeating several things to the same effect as formerly, said, ‘ That Mr. Bates desir’d that he would allow him to bring Sir Basil Firebrace to him; and that he bid Mr. Bates take care of Sir Basil, for he took him to be a very ill Man; but Mr. Bates said he knew him very well: so, after much Intreaty, his Lordship permitted Mr. Bates to bring him. The Duke of L. Speech about Sir B. F. and Mr. Bates.

‘ That Mr. Bates and his Lordship had had a long Acquaintance and Friendship, and what he did in this Matter was only to befriend him.

His Lordship added, ' That this Storm which was now fallen upon him, was some-
' time a gathering ; and it was promoted by a Faction, and a Party who had only a
' Pique against him ; and *the King's Business had been delay'd on purpose.*

' That he had an Original Letter which gave him an Account of this some time
' before it broke out ; and it appear'd only level'd against him, because none else
' were prosecuted ; and there appear'd a Joy they could catch at this, for then they
' stop'd ; and Sir *Basil Firebrace* was treated with to discover only this part, and so
' he should be excus'd from any further Discovery.

His Lordship concluded, praying a Copy of the Articles of his Impeachment,
and of the Report made by the Committee to the House ; which was readily
granted.

In the House of Commons.

Upon Tuesday the 30th of *April*, the House read a second time the ingrossed Bill
from the Lords, for *imprisoning Sir Thomas Cooke, Sir Basil Firebrace, Bates and*
Craggs ; and committed it to a Committee of the whole House.

The Lords sent a Message to acquaint the House of Commons, that the Duke of
Leeds having this Day put in his Answer to the Articles of Impeachment exhibited
against him, their Lordships have sent a Copy thereof to them.

The Answer was receiv'd and read, and is as follows :

*The ANSWER of the Duke of Leeds to the Articles of Impeachment exhi-
bited against him by the Knights, Citizens, and Burgessees in Parliament
assembled.*

*The Duke of
L. Answer
to the Ar-
ticles of Im-
peachment,
and Prote-
station of
his Innocen-
cy.*

THIS Defendant saving to himself all Advantages of Exceptions to the said
Articles, humbly saith, That he is not guilty of all or any the Matters by the
said Articles charg'd in Manner and Form, as the same are by the said Articles
charg'd against him.

Upon the Duke's putting in the Answer, he again declar'd *before God, and upon*
his Honour and Conscience, that he was not guilty, and had great Wrong done him in
this Accusation.

The House of Commons order'd, that the Committee who were appointed to
prepare the Articles against the Duke, do consider of, and prepare a Replication
to his Answer.

Upon the 1st of *May* the House of Commons order'd their Committee, who
were appointed to draw up the Articles against the Duke, to consider what is the
proper Method to compel Witnesses to come in, and give their Evidence upon
Trials of Impeachments.

Then the Commons read a third time, and passed the ingrossed Bill from the
Lords, for *imprisoning Sir Tho. Cook, Sir Basil Firebrace, Charles Bates Esq; and*
James Craggs, and restraining them from aliening their Estates ; sent it up to the Lords
by Sir *Herbert Crofts*, who was order'd to acquaint their Lordships, that they had
agreed thereto with some Amendments.

The Lords then sent a Message to the Commons to acquaint them that they think
themselves oblig'd in Justice to put the House in mind of the Impeachment against
the Duke of *Leeds*, to which the Duke's Answer having been transmitted to them,
the Lords desire to be acquainted when they can be ready to make good the Articles
of Impeachment, to the end a certain Day may be appointed by the Lords for that
purpose.

Thereupon the House of Commons order'd that the Answer of the Duke of *Leeds*
be refer'd to the Consideration of the Committee, and that they do consider what
is to be done thereupon according to the Course of Parliaments, and that they do
consider of the Message from the Lords.

*The Duke of
L. presses
for a Trial.*

' The Duke upon the 2d of *May*, complain'd in the House of Lords of the delay
' of the House of Commons in not replying to his Answer, alledging, that *the*
' *Impeachment was only to load him with Disgrace, and that they never intended to try him.*

' And added,

' That the Party us'd great Partiality towards him, and *did not intend to inquire*
' *after others* : That they shew'd a Mark of their Partiality and Spleen, in their
' Amendment to the Bill for Imprisoning Sir *Tho. Cooke, Sir Basil Firebrace* and the
' others,

others; Sir *Basil* was to be bailed, because he was the Witness against his Lordship.

[*Quære*, 1. Whether they were not the Duke's Friends and Relations in the House of Commons, that were for the Amendments to the Lords Bill, and divided that House for insisting upon that Amendment, when the Lords return'd the Bill, with their Disagreement thereunto?

2. Whether the Duke's pressing for speedy Justice, and the Votes occasion'd thereby, did not take away all possibility of proceeding upon other Matters and Persons contain'd in the Report?]

Upon the 2d of *May*, the Commons resolv'd, ' That the Offer of any Mony, or other Advantage to any Member of Parliament, for the promoting of any Matter whatsoever, depending or to be transacted in Parliament, is a high Crime and Misdemeanour, and tends to the Subversion of the *English* Constitution. *Bribery voted against in the House of Commons.*

Mr. Comptroller the same day reported from the Committee of the House of Commons; ' That it is their Opinion, that the proper Method to compel Witnesses to come in and give their Evidence upon Impeachments, is in the first place to issue out Summons from the House to such Witnesses for their Attendance: And that it appear'd to them, that Monsieur *Robart*, who is a material Witness for making good the Articles against the D. of *Leeds*, had been summon'd to attend the Committee, but could not be found; and it not being yet known where he is, they are of opinion not to make any farther progress in the matter to them refer'd, till they have the farther Direction of the House.

Which Resolution was agreed unto by the House, and an Order made, that Monsieur *Robart* do attend the House forthwith, to be examin'd touching the matter relating to the D. of *Leeds*; and that he be summon'd by the Serjeant at Arms. *Mr. Robart order'd to attend the House, but is fled.*

Upon Friday *May* 3. A Motion being made in the House of Lords, to read the Bill for granting to the King a *Duty upon Glass*, &c. the Duke rose up and told the Lords, ' That it griev'd him, that he, who was as much as any Man for the dispatch of the *Mony Bills*, and never oppos'd any, should now do it; but he hop'd the Lords would consider his Case, not only as his, but the Case of any of their Lordships; for it was in the Power of a *Tinker* to accuse at the end of a Session, and one might lie under it without Remedy: And since that They, by Mismanagement, had delay'd this Mony-Bill for six Weeks, it would not be of mighty ill Consequence if it should lie a day or two longer. *D. of L. moves the Lords for speedy Justice, or to be discharged.*

' His Lordship press'd very earnestly, that if the House of Commons did not reply, the Impeachment might be discharg'd; for if it were not, he might lie under the Reproach of it all his Life. He believ'd the Commons would do nothing in it, for tho they had appointed a Committee to meet, they met but once, and that for Form, and never met more, nor would do any thing in it.

The same Friday *May* 3. in the House of Commons, the Speaker acquainted the House, that the Serjeant at Arms had inform'd him, that his Messenger had been at the D. of *Leeds*'s, and spoke to his Porter, and enquir'd for Monsieur *Robart*, to summon him to attend the House; and that the Porter said he was not within, nor could he tell when he would, for he had not seen him in three days past, and believ'd he was in the Country, but could not tell where; and that the Messenger had left a Copy of the Order with the Porter, and told him he must be sure to give it to Monsieur *Robart* as soon as he could.

Whereupon the House of Commons resolv'd that Mr. Chancellor of the *Exchequer* should go and desire a Conference with the Lords, to which they agreed, and at the Conference the Managers for the Commons deliver'd this Paper. *A Conference with the Lords.*

' That the Commons will make good the Charge against the D. of *Leeds*, in manner and form as in the Articles mention'd, and that the Committee who are appointed to draw the said Articles, have been daily imploy'd in looking into Evidence against the Duke; and that in the preparation of the Evidence they meet with an Obstruction, that Monsieur *Robart*, who appear'd by the Depositions before the Committee of both Houses to be a material Witness, is withdrawn since the Impeachment was carry'd up; which has been the Reason the Commons have not yet acquainted your Lordships when they can be ready to make good the said Impeachment, the Commons being desirous that Justice be done without any manner of delay.

Mr. Chancellor of the *Exchequer* reported, that they had acquainted the Lords with what the House directed.

The Paper being brought into the Lords House and read, it was moved and agreed, without any Debate, or any Opposition made by the Duke of L—; That an Address should be made to the King, to issue out a Proclamation for stopping the Ports and seizing Monsieur *Robart*.

Note, The Duke, in assistance to the House, told them that it was requisite to insert the Person's Christian Name, and said his Name was *John*, his Sir-name being *Robart*.

D. of L. his
Speech in
the House of
Lords.

The Duke then rose up and blam'd the House of Commons, for doing an unheard of, an unprecedented thing, to charge a Man with Crimes, and to say they were ready to make it good, before they had all the Evidence; and now they should say they wanted a *material Witness*, and lay it upon him to produce this Witness; as if a Person were oblig'd more to produce Evidence to accuse himself, than to answer such Questions by which he accuses himself.

His Lordship then proceeded to acquaint the House, that in Truth he had sent Monsieur *Robart* to see his Daughter *Leinster*, who went into the Country big with Child; and order'd him to call at *Minns* to see his Daughter *Plimouth*, it being in his way to his Daughter *Leinster's*, where the Messenger of the House of Commons might have known he was gone if he had ask'd.

The Narrative
of Robart's
Escape.

That his Lordship (*that there might be no Mistake*) sent a Messenger on purpose for *Robart*. That his Footman waked him about two of the Clock on Sunday morning (for which he was very angry) to let him know *Robart* was come, and was in the House, which was as soon as he could possibly return: That his Lordship told the Footman he would go to sleep, and would speak with *Robart* in the morning, when he usually call'd him; but when his Lordship ask'd for him in the morning, the Footman said he was gone; and upon enquiry he found *Robart* did not lie nor pull off his Boots in his Chamber: That the Footman said, he ask'd whether the News was true, that his Lord was Impeach'd, and Mr. *Bates* was in Prison; which the Footman own'd to be true, and his Lordship believes that frightened *Robart*.

That his Chaplain shew'd him a * Letter from *Robart*, with a desire to acquaint his Lord, that he design'd for his own Country, *Switzerland*, through *Holland*; from whence he would write his Lord a true Account of all the Matter of the 5500 Guineas to Mr. *Bates*.

That his Lordship knew by the manner of his writing, by the Temper of the Man, and by a particular Knowledg he had of him and of the thing, that he would not be seen here again in haste. So that, my Lords (said his Grace) if this Man be insisted upon as a *material Evidence*, and that my Trial is to be delay'd till this Person is forth-coming; *When am I likely to be tried?* I humbly move your Lordships, that you will come to some Resolution, that if this Matter be not immediately proceeded upon, so that I may be try'd before the ending of this Session, the Impeachment shall fall.

To which some few Lords cry'd, *Well Moved*.

However the Lords read and pass'd the Bill that same day, for the Duty upon *Glass*, &c. and his Majesty came to the House and gave the Royal Assent to several Bills, and amongst the rest to the Bill for Imprisoning Sir Thomas Cooke, Sir Basil Firebrace, Bates and Craggs; and also to a Bill intituled, *An Act for the King's most Gracious, General and Free Pardon*, but with this Exception amongst others,

Except also all Persons who have been or shall be impeached in Parliament during this present Session.

And then his Majesty commanded the Lord Keeper to prorogue the Parliament to the 18th of June, and it was prorogu'd accordingly.

It must be remembred that upon the 3d of May, the House of Commons came to a Resolution, that the Report from the Committee of both Houses should be then read; and it being read, the House were proceeding to charge other Persons there-

* Note, The Duke had this Letter upon Wednesday, but took no notice of Robart's being gone, or in his Power to be a Witness either against or for him, until this Friday May 3. after the Conference was had between the two Houses to let the Lords know Robart was gone.

in named, and in particular Sir *John Trevor*, against whom an Impeachment was mov'd; and thereupon a Motion being made, That a Question for adjournment for two Hours should be put, it was carried in the Negative by a considerable Majority: So that the House proceeding afterwards to the Impeachment last mention'd, they were sent for by the Black Rod and prorogued.

An Abstract of the Act for imprisoning Sir Thomas Cooke, Sir Basil Firebrace, Mr. Bates, and Mr. Craggs.

‘ **T**HE Preamble sets forth, That by several Informations and Examinations taken before Committees of both Houses, it appears that there have been divers Practices to procure by corrupt Means a Charter and an Act of Parliament relating to the *East-India* Company; and Sir *T. C.* Sir *B. F. C. B.* and *J. C.* have been privy to the same: and having not upon their Examination hitherto made a full or satisfactory Discovery concerning the Premises;

‘ To the end that their Persons and Estates may be secur'd so as to answer and be liable to Justice in Parliament;

‘ It is enacted, That the said Sir *T. C.* Sir *B. F. C. B.* and *J. C.* shall be and are committed to the *Tower*, there to remain in Custody without Bail or Main-prize, until the End of the next Session of Parliament, unless they shall sooner be discharged by his Majesty by Consent of the two Houses.

‘ And it is enacted, That after the first of *May* 1695. they shall be disabled from aliening, settling, charging or incumbring any of their Lands otherwise than by their last Wills; and also be disabled from conveying or granting any of their Personal Estate in trust for themselves, their Wives or Children; and from otherwise disposing of any of their Personal Estates, except for the Subsistence of themselves and their Families, or for paying just Debts due or contracted before the 23^d of *April* 1695. and except perishable Goods.

‘ Provided that the Act shall not extend to disable them from disposing of any of their Estates by their last Wills.

‘ Provided that Sir *B. F.* may give with his Daughter in Marriage such Portion and Provision as he hath already agreed to give, not exceeding twenty thousand Pounds.

A Proclamation was order'd for securing Monsieur *Robart*; it bears Date the 9th of *May*, and sets forth,

‘ **T**HAT whereas by Examinations and Informations upon Oath, before a Committee of both Houses of Parliament, touching the unlawful and indirect giving, receiving, and disposing of great Sums of Mony, for procuring Charters for the *East-India* Company, &c. it appear'd that Monsieur *John Robart* was not only concern'd in the Receit, but was also able to give Evidence, and make Proof of the Disposal and Application of part of the said Mony: Yet to avoid Justice, and the Manifestation of the Truth, and to render all just and proper Methods of Prosecution ineffectual, he hath withdrawn himself and absconds, intending, as suppos'd, to escape beyond the Seas; and setting forth, that the Lords did address his Majesty to issue a Proclamation for securing the said *Robart*.

Proclamation against Robart.

‘ The King requires and commands all his loving Subjects to discover and apprehend him, and carry him before some Justice, &c. who are requir'd to secure him, and give notice to the Privy-Council or Secretaries, to the end he may be forth-coming, to be dealt with according to Law. And the King requires all Officers of the Ports, &c. to be careful in the examination of all Persons that shall pass, or endeavour to pass the Seas. And if they discover him, to cause him to be secur'd, and to give notice, &c. And the King commands all his Subjects, at their peril, that they do not conceal but discover him, to the end he may be secur'd.

This Proclamation was order'd the 3^d, bears Date the 9th, came out the 11th, and was proclaim'd the 15th of *May*.

Now, to conclude, not to be guilty of the Indecency of asking who it was that brought this Proclamation into the Council upon the 9th of *May*, I presume to inquire, whether Monsieur *Robart* might not have been deliver'd from the Fright he

was

was put into by hearing the Duke was impeach'd, and Mr. *Bates* imprison'd, and been wrought upon to come in, and (for his Grace's Honour and Advantage) lay open the whole Truth. If the Duke had been pleas'd to put an Advertisement into the *Gazette*, that he would interpose with his Majesty to obtain a Pardon for him (if any way criminal) and give him 5000 Guineas to befriend him (or something to such effect) and whether such a Course would not have been of more Avail for securing *Robert's* forthcoming, and the manifestation of the Truth, and his Lord's Vindication, than this Proclamation hath hitherto been.

Josh. 7. 13. Thus saith the Lord God of Israel, There is an accursed thing in the midst of thee, O Israel: Thou canst not stand before thine Enemies until ye take away the accursed thing from among you.

A Supplement to the Collection of the Debates and Proceedings in Parliament in 1694 and 1695.

Upon the Inquiry into the late Briberies and corrupt Practices.

THE Matter of Fact, as stated in the late *Collection* of the *Debates and Proceedings* in Parliament, having found a favourable Reception; and some weighty and memorable Observations, contributing to the farther illustration of the corrupt Practices there related, having since occur'd; 'Tis hop'd that the subjoining this ensuing Narrative thereof, may not be thought impertinent; in confidence whereof it is here presented to the Reader's view. And

To answer the Expectation of divers Adventurers in the *East-India* Stock, Merchants, and other considerable Traders with that Company, who desire a more particular Account of the Company's Affairs than has been yet made publick, they will here find it.

Order of the General Court for inspecting the Affairs of the Traders.

On the 14th of *November* 1694. the General Court of the Adventurers for the General Joint-Stock to the *East-Indies*, appointed a Committee to inspect into the Affairs of the General Joint-Stock, under the management of the Court of Committees, and of the several Transactions that have been had therein, for the Satisfaction of the Adventurers. And upon the 20th of *December* 1694. they impowred the same Committee to meet, and consider further of the Matters to them refer'd, by the Order of the 14th of *November*.

Whose Names are,

Mr. *Nathaniel Tench*,
Sir *Jeremiah Sambrook*,
Sir *Benjamin Bathurst*,
Mr. *William Fawkener*,
Mr. *John Ward*,

Mr. *Edward Rudge*,
Mr. *Robert Marshal*,
Mr. *George Boun*,
And
Mr. *Isaac Houblon*.

This Committee, pursuant to the Order inpowering them thereunto, made the Inspection as directed; and upon the 12th of *March* 1694. reported the same in the words following, *Viz.*

I. Upon

I. Upon examination of the Company's Cash-Book, we find that the Ballance the 31st of October 1694. was 124249 l. 15 s. 10 d. And demanding of Mr. Portmans the Cashire, if he had the same in Cash? he reply'd he had not; but instead thereof, laid before us in writing on the 22^d of November 1694. the following Particulars, viz.

90000 l.	— — —	Lent upon Sir Tho. Cooke's Note.
28634 l.	— — —	By Notes or Receipts given by Mr. Atwell and Company.
4065 l.	— — —	By Notes from several Persons taken by Sir Tho. Cooke's Order.
1550 l. 15 s. 10 d.		By several small Sums.

Making 124249 l. 15 s. 10 d. Which makes the above-said Ballance.

And upon farther, and more particular Examination why that 90000 l. was standing out, Mr. Portmans produces the then Governor, Sir Tho. Cooke's Note, in these words:

Receiv'd the 10th of January 169³/₄. of Mr. Edmund Portmans, for Account of the East-India Company, 90000 l. which I have disburs'd and paid for 99197 l. East-India Stock for their Account; which I promise to be accountable for Account of the East-India Company, and was by Order of Court the 24th of November 1693.

Per Tho. Cooke.

That Order of Court is in the Words following, viz.

' It is order'd, That the Cashire-General do from time to time make payment of such Sums of Mony for carrying on of the Company's Service, as the Governor shall direct, pursuant to the Sense of the present Debate.

But we find no Entries, or mention in the Court's Books, or elsewhere, what that Debate was; and how far the said Order tends to the buying of Stock, we submit to the Judgment of this Court.

And whereas it is alledg'd by Sir Tho. Cooke, that for the 90000 l. aforesaid, there was an Agreement made with several Subscribers for 99197 l. Stock, on or before the 10th of January 169³/₄. yet we do not find to this hour any Warrant for the said Sum, or any of that Stock transferred in the Company's Books for their Account, excepting 18300 l. Stock on the 16th of January last; for which the Company have paid 10200 l. which is charg'd to his Account. And we are further inform'd, that 24000 l. of the said Stock was re-sold at 74 l. per cent. And we do likewise find, that there is an Order of the Court of Committees, dated the 9th of November last, made upon a Report from the Committee of the Treasury; so much of which Report and Order as relates to the said Stock, follows in these words:

' On reading a Report from the Committee of the Treasury touching the Accounts of the Deputy-Governor, refer'd to them by Order of Court of the 26th of October last;

' We find, that admitting the 99000 l. Stock, as the Court seem'd to approve, to be for the Company's Account in the Sum of 90000 l. there will be due from the Company to Sir Thomas Cooke about 73000 l. to compleat the Monies disburs'd for the Investment at Cadiz; and according to the determination of the last Court, we went to Sir Josiah Child, who declar'd that he never heard of the Sale of the 24000 l. Stock until about the time it was mention'd to the Court; but as to his own Concern, he is willing to submit to the Loss in that Sale, considering the necessity alledg'd by Sir Thomas Cooke for want of Mony.

' As to the Remainder of that Stock, being 75000 l. Stock, Sir Thomas Cooke declares it is engag'd to several Persons for Monies taken up to supply the Disbursement above-mention'd; which when the same is paid to him, he will be answerable for the said Stock.

' The

' The Court approv'd of the Disbursements made by the Deputy-Governor, and of the 24000 l. Stock by him sold, for the Reasons therein mention'd.

Which Approbation being so many Months *post factum*, the Consideration thereof we likewise submit to this Court.

II. We find that the Sum of 30000 l. is brought into the Company's Cash-Book the 31st of March 1694. after the Cash-Book was cast up, in these words:

' By Sir Thomas Cooke paid him on his Note, according to an Order of Court of the 24th of November last.

The Receipt whereof, without a Warrant, is acknowledg'd by the said Sir Thomas Cooke, and remains in Mr. Portmans's Hands, in the words following:

Recieved the 31st of March 1694. of Mr. Edmund Portmans, for the Account of the Honourable East-India Company, the Sum of 30000 l. which I promise to be accountable for, with Interest for the same, being for several Sums advanc'd to several Persons. Witness my Hand the Day and Year above written.

Per Thomas Cooke.

Journals
alter'd.

Mr. Thorowgood's
Examination.

Notwithstanding which, we find the said Sum of 30000 l. carried to the Company's Debt in Charges General, and the Journal parcel of that Entry eras'd: By which it plainly appears to us, that the said Journal, parcel of that Date, was alter'd, and this Sum of 30000 l. introduc'd some time after. Besides, we find the Account of Charges General stands ballanced and carried to Profit and Loss with this 30000 l. included. But Mr. Thorowgood the Book-keeper, did declare upon Oath the 21st of February 1694. that the passing of this 30000 l. was an Error of his; and coming to lay the Account of Charges General before Sir Thomas Cooke in November last, the Error was discover'd by Sir Thomas, who gave him Orders to withdraw it from thence, and to place it to his own Account, which is now done: but the said Proceeding between Sir Thomas Cooke and Mr. Thorowgood, was not made known to us till we discover'd the same in the Book.

We further observe, that the said Sum of 30000 l. is taken out of the Company's Cash without a Warrant, under pretence of the fore-mention'd Order of the 24th of November 1693. which we submit to the Consideration of this Court.

III. We further find the Sum of 9000 l. Stock, declar'd to be bought for the Company by Sir Basil Firebrace, which cost 8520 l. as by the following Particulars.

Decemb. 5.	Of Alvaro de Costa,	1000 l. at 95 l. per cent.
1693.	Of Benjamin Levi,	1000 l. at 95
	Of Richard Cock,	1000 l. at 95
Ditto 6.	Of Samuel Ongley,	1000 l. at 95
	Of Sir R. Ainsworth,	2000 l. at 95
22.	Of ditto Sir Rowland,	1000 l. at 96
January 4.	Of Capt. W. Heath,	1000 l. at 96
Apr. 3. 94.	Of George Jarvis,	500 l. at 90
6.	Of Peter Monger,	500 l. at 90

l. 9000 amounts to l. 8520

Contracts
madewith-
out ac-
quainting
the Com-
mittee
with them.

As also a Sum of 7828 l. 13 s. 1 d. including Interest and Charges thereon for Guineas given out to have the refusal of Stock at high Rates, and transacted without any Order from the Court of Committees for the same, to the great Damage and Dishonour of the Company. And in the Examination of the said Matter, we do find that the Contracts upon the Guineas given out, as aforesaid, were made in the Names of private Persons, not Members of the Company; and that in those Contracts no such Provision was made as might entitle the Company to the Benefit, had any arisen by the same; but on the contrary, the said Contracts were never made known to the Court of Committees, until some Months after the Expiration of the Time, so that if there had arisen any Profit upon them, they might then have been apply'd to his proper Account who had the negotiating of them: In consideration whereof it appear'd to us, that those Contracts did no way concern or oblige the Company. And understanding that the Committee of the Treasury had made a Report of the 9th of November, disallowing the same, the Clause whereof follows in these words, viz.

' As

As to the Disbursements pretended to by Sir Basil Firebrace, for Guineas given out to have the Refusal of Stock at a certain time, and the Monies paid for Stock bought, Sir Josiah Child doth declare he never was privy to any such Negotiation till very lately; nor doth he, nor our selves find any ground for such an Authority given to him by the Court, whereby to lay the Loss upon the Company's Stock, and therefore we can give no other Report thereupon, but refer it back to the Court.

And also being inform'd that the Mony was not actually paid the 19th of November, we did, as we apprehended it our Duties to do, in behalf of the General Joint-stock, use our Endeavours as much as in us lay to prevent the Paiment of the said Mony, by giving the following Intimation in Writing to the Company's Officers, which was produc'd to the Court of Committees, viz.

In pursuance of an Order of the General Court of Adventurers, for the General Joint-stock to the East-Indies, dated the 14th of November 1694. empowering us to inspect into the Affairs of the General Joint-stock, under the Management of the Court of Committees, and of the several Transactions that have been had therein for the Satisfaction of the Adventurers; and whereas upon the Consideration had of the same, Information hath been given us, that there is the Sum of 16348 l. 13 s. 1 d. demanded by Sir Basil Firebrace for Guineas given out upon Contracts for Stock, and for Stock bought, and an Order of the Court of Committees for Paiment of the same; which Disbursement is in our Opinion irregular, being done without Order, and the Order for Payment thereof is also irregular, being *post factum*: We therefore, agreeing unanimously that it ought not to be allow'd without the Approbation first had of a General Court, have thought fitting in behalf of the said Court, to signify unto the Accomptant General, that he shall not make out any Warrant for, and unto the Committee of the Treasury and the Cashire-General, that they shall not pay the said Sum of 16348 l. 13 s. 1 d. or any part thereof, or affix the Company's Seal to any Bill or Bills for that purpose, till the Pleasure of the said General Court be first known. Given under our Hands this 19th of November, 1694.

Nath. Tench.
Jeremy Sambrook.
Ben. Batburst.
W. Fawkenner.
John Ward.

Edward Rudge.
Robert Marshall.
George Boun.
Isaac Houlblon.

Notwithstanding which Report of the Committee of the Treasury and Intimation afore said, yet the Court of Committees were pleas'd to approve of the said Contracts *post factum*, by an Order of theirs of the 9th of November last, in the Words following.

And as to the Demands of Sir Basil Firebrace, amounting to 16866 l. 9 s. 8 d. the Particulars whereof are undermention'd.

Sir Tho. Cooke is Debtor to Sir Basil Firebrace,
For Account of the East-India Company,
1693. For *Premio* of Refusal of Stock at 6 Months, viz.
Of 32000 l. by Abraham Wilmer.
Of 29750 l. by John Barksdale.
Of 1800 l. by Jacob Marsam.
Of 7500 l. by Josiah Davis.

71050 l.

	l.	s.	d.
As by the several Particulars amounting to	7110	14	00
For 9000 l. Stock bought of divers Persons, as per particular,	8520		
17 Septemb. 1694. For Interest to this Day of the abovesaid Paiments, as per particular,	517	16	07
For Brokeage of 80050 l. at $\frac{1}{4}$ per cent.	200	02	06

Gratuity

16348	13	01
517	16	07
16866	09	08

Payments
made to
Sir Basil
Firebrace.

The same being now taken into serious Debate, and Sir *Basil Firebrace* affirming, that the whole Transactions of that Affair, and the Persons managing the same, were by particular Order of Sir *Thomas Cooke*, the then Governour, wherewith he was frequently made acquainted, and that Sir *Basil* had no particular Interest in, or Advantage thereby; and the Governour declaring that he was made acquainted therewith six Months ago, and importun'd by Sir *Basil Firebrace*, that the said Account might be adjusted by the Deputy-Governour: on consideration thereof had, the Court thought fit to allow of the said Account, excepting the 517 l. 16 s. 7 d. therein demanded for a Gratuity, and order'd that a Warrant be made out for the same, Sir *Basil* first transferring the 9000 l. unto the Secretary for the Company's Use.

And also were pleased to sign Warrants for payment of the said Mony, which accordingly was done, viz. 7828 l. 13 s. 1 d. the 7th of December, and 8520 l. the 4th of January, making in all 16348 l. 13 s. 1 d. which we likewise submit to the Consideration of this Court.

IV. We farther find several Contracts are said to be made by Sir *Tho. Cooke*, Sir *B. Firebrace*, and Sir *Jos. Herne*, for Stock of the Value of 67385 l. 19 s. 6 d. viz. 34342 l. 9 s. 6 d. by Sir *Thomas Cooke*, and 28043 l. 10 s. by Sir *Basil*, and 5000 l. by Sir *Joseph Herne* for the Company's Account, to be put upon them at 100 l. per cent. at any time before the 10th of January last; the which Stock now stands transferred in the Company's Books to Mr. Secretary *Blackbourn* for their Account, by which they are like to be great Losers; yet we find the same to be allow'd of by an Order of Court of the 26th of October last, in these words, viz.

Sir B. Fire-
brace in-
demnify'd
as to the
Contracts.

' The Deputy-Governor representing to the Court, that himself and Sir *Basil Firebrace* had for the encouragement of the late Subscriptions, entred into Bonds to several Persons for accepting of Stock, to the Value of 65267 l. 10 s. in December and January next, at 100 l. per cent. if demanded of them, viz. 37222 l. thereof by the Deputy-Governor, and 28043 l. 10 s. by Sir *Basil Firebrace*, the Whole having been subscrib'd and paid in, and no part thereof on either of their Accounts; and desiring they might be indemnify'd for what Loss should accrue thereon, if any: the Court declar'd they should be indemnify'd accordingly under the Company's Seal if requir'd.

The Com-
mittee of
Inspectors
complain of
Papers be-
ing sup-
prest.

And altho the said Contracts, as we are inform'd, were given up at the sealing of the Bonds for the Mony; yet when we demanded a view of them, to see what Consideration and other Terms of Agreement they contain'd, we found them suppress'd (excepting only those made by Sir *Thomas Cooke*) and as Mr. *Portmans* says, were deliver'd into the hands of Sir *Basil Firebrace*, notwithstanding the Order of the Court of the 4th of January last, which refers it to the Committee of the Treasury to direct the taking up the Engagements of the Deputy-Governor and Sir *Basil Firebrace*: So that we are depriv'd of giving this Court such an Account of this Article as is necessary. Only this we know, that Consideration was allow'd for some of them, and not accounted for to the Company; which we likewise submit to the Consideration of this Court.

V. We find upon the Company's Account of Charges general, paid out of Cash, viz.

	l.	s.	d.	
In June 1688. —	1079	12	2	} Sir Benj. Bathurst Governor, Sir Josiah Child Deputy.
January —	205	01	4	
December 1689. —	400	00	0	
January —	546	00	6	
Together	2230	14	0	

	l.	s.	d.
August 1690. ———	314	08	8
—————	369	06	8
January ———	871	13	4
February ———	1174	10	0
April 1691. ———	595	00	8
May ———	4500	00	0
October ———	435	16	8
—————	545	16	8
January ———	1073	06	8
March ———	3652	10	0
Together	13532	09	2

Sir Joseph Herne Governor,
Sir Thomas Cooke Deputy.

	l.	s.	d.
April 1692. ———	2250	00	0
—————	2409	15	4
March 1693. ———	2000	00	0
May ———	22275	00	0
October ———	1091	13	4
November ———	24983	00	0
January ———	30000	00	0
March ———	2393	09	7
Together	87402	12	3
Sum total	103165	15	5

Sir Thomas Cooke Governor,
Mr. Tyssen Deputy.

Of the disposal of which Mony we have been able to obtain no farther Account, *Payments made in general Terms.* than that the same is made paid in the Company's Books in general Terms for Special Service; and that great part thereof was, as we are inform'd, put into the Hands of Sir Basil Firebrace: But the most material Orders of Court that appear to us to relate to the greatest Sums, are as followeth, viz.

At a Court of Committees holden the 13th of April 1693.

THE Governor this Day acquainting the Court with what Proceedings had been made in their Affairs towards granting a new Charter, and with what had been disburs'd by him in prosecution thereof; the Court approv'd of the said Charges, and order'd a Warrant to be made out for the same; returning him their Thanks for his great Care, Pains and Trouble in their Service, desiring him to proceed in the perfecting thereof. *Sums expended for getting a new Charter, 22275 l.*

The 24th of November 1693.

THE Governor this day making a Representation of what Sums of Mony had been by him of late disburs'd in the Management and carrying on of the Company's Affairs for their Service; the Court approv'd thereof, and order'd that a Warrant be made out for making the same paid in Cash accordingly, giving him their Thanks for his great care and pains taken therein. *24983 l.*

The 22d of January 1693.

IT being represented unto the Court, that in the farther Prosecution of their Affairs, and in order to their Settlement, there have been several Sums of Mony disburs'd, amounting to 30000 l. in the whole; the Particulars thereof were now laid before them. On consideration thereof had, it is order'd, That the said Monies be made paid in Cash, and a Warrant be made out accordingly. *30000 l.*

VI. We do also think fit to lay before this Court a brief State of Sir *Thomas Cooke's* Account, as it occurs to us, and is as followeth :

That the said Sir *Thomas Cooke* was indebted to the Company before the Transfer of 18300 *l.* Stock the 16th of *January* last, and mention'd in this Report, as near as we can compute, the Sum of 69400 *l.* without any Interest charg'd, which we conceive will be very considerable.

But if the said 18300 *l.* Stock, at ninety per cent. amounting to 16470 *l.* should be allow'd by this Court (which we do refer to their serious Consideration) then there will yet remain due to the Company from the said Sir *Thomas Cooke* the Sum of 52930 *l.* without any Interest charg'd, as before. All which nevertheless is submitted to the farther Consideration of this Court. Dated at the *East-India* House the 12th of *March* 1694.

Nat. Tench,
Will. Fawcener,
John Ward,

Jeremy Sambrooke,
Edward Rudge,
Rob. Marshall,

Benjamin Bathurst,
Isaac Houblon,
George Boun.

The same Committee, upon the said 12th day of *March* 1694, made a farther Report; which in regard of the extraordinary Nature of the Contract therein mention'd, may not unfitly be term'd the *Seymour* or *Salt-Petre* Report, and it was in the words following, viz.

The Salt-
Petre Con-
tract.

We find that in the Month of *September* 1690. Sir *Joseph Herne* being Governor, and Sir *Tho. Cooke* Deputy, there was a Contract made by Mr. *Robert Wolley* in behalf of the said Governor and Deputy and others, for all the Company's Pepper which they then had by them, at 11 *d.* $\frac{1}{4}$ per pound for *Malabar* and *Jambee* Pepper, and 10 *d.* $\frac{3}{4}$ per pound for the *Billiapatam*, and for all that should arrive betwixt that and the first day of *March* following; and that in *December* after the Contract, the Parliament did put 3 *d.* per pound as a new Duty upon all Pepper that should arrive. By which Act the said 3 *d.* per pound was all to be paid back again upon the Exportation; and that in *January* following the Ship *Chandois* did arrive with 117000 weight of Pepper. Upon notice whereof, in *February* following Mr. *Robert Wolley* the Broker came before the Court of Committees, and demanded the said Pepper at the Price agreed on in his former Contract: who being withdrawn, the Court debated whether they should be oblig'd to deliver it before they were assur'd they should receive Satisfaction for the 3 *d.* per pound; and upon promise of the then Governor and Deputy, who were Parties concern'd in the Contract, that they should receive Satisfaction for the same, the Court did agree to the Delivery of it. Which said 3 *d.* per pound is not made good to the Company, and is to their damage about the Sum of 1400 *l.*

Contract
for 200
Tuns of
Salt-petre.

We find a Contract bearing date the 26th of *February* 1693. for 200 Tuns of *Salt-Petre*, to be brought home in the Ship *Seymour* from *India*, to pay the Sum of 12000 *l.* for the same, and 25 *l.* per Tun freight to the Owners of the Ship; besides all Charges here, 2000 *l.* (part of the said 12000 *l.*) which was the Sum sent out to purchase the said *Salt-Petre*, is actually paid out of the Company's Cash, and a Bond for the remaining 10000 *l.* is given under their Seal, payable the 31st of *March* next, whether the Ship arrive in safety or not; with this Limitation only, that if 200 Tuns of *Petre* be not laden upon the said Ship, then to repay in proportion to the want thereof. So that the Result of this Contract is this, the Company runs the Adventure of 12000 *l.* for that which costs only 2000 *l.* and must consequently lose 12000 *l.* if the Ship miscarry: And on the contrary, the Seller on the other hand gets 10000 *l.* clear, without disbursing or running the hazard of one Penny; and what is yet more, as certain a Loss of 9 or 10000 *l.* will attend it if the Ship arrive in safety. All which nevertheless is submitted to the farther Consideration of this Court. Dated at the *East-India* House, the 12th of *March* 1694.

Nathaniel Tench,
William Fawcener,

John Ward,
Jeremy Sambrooke,

Edward Rudge,
Rob. Marshall.

This Report, when given into the General Court, was also sign'd by Sir *Benjamin Bathurst* and Mr. *Isaac Houblon*.

To the Honour of the worthy and well-deserving Gentlemen of the Committee who made the foregoing Report, Justice requires this Remark, that their prudent Inspection and honest Discovery of these Deeds of Darkness did much contribute to, if

if not occasion the necessary Enquiry since made by both Houses of Parliament into those wicked Practices, which we will yet hope may in due time be set in a Meridian Light, notwithstanding the extraordinary Arts and Tricks which have been us'd to stifle the Discovery and conceal the chief Criminals; which the former History of this Affair has in some measure laid open, and that which here follows may farther evince.

It hath been already observ'd, that Monsieur *Robart*, who appear'd by the Depositions before the Committee of Lords and Commons to be a material Witness to make good the Charge against the Duke of *Leeds*, was withdrawn after the Impeachment was carried up to the House of Lords; and that his Grace had declar'd he knew (by the manner of the Man) that *Robart* would not be seen here again in haste. Now it appear'd to the House of Commons, that this *Robart* had obtain'd a Pass to go beyond Sea; the Discovery thereof was thus made.

Narration of M. Robart's Escape.

Upon Wednesday the first of *May* in the Afternoon, *Paul Foley Esq;* Speaker of the House of Commons, receiv'd a Letter at the Door of the House by the Penny-Post, to this effect:

Had a Pass to go beyond Sea.

' One *Bernard*, in the Secretary's Office, has procur'd a Pass for *Holland*, under a false Name, for *John Robart* the Duke of *Leeds's* Steward, and all, &c.

On Thursday Morning the Speaker communicated the same to the House, who referred it to the Examination of the Committee appointed to make good the Charge against the Duke of *Leeds*. They, upon considering the Letter, found it was writ in *Office Paper*; whereupon Mr. *Vernon* and *Bernard* (who was mention'd in the Letter) and also the Books in the Secretary's Office were sent for; and *Bernard* being examin'd, deny'd he had done any such thing, or knew any thing of the Matter.

In searching the Books, and comparing the Hands, Mr. *Vernon* concluded the Letter was writ by one *Sorsoleil* a Frenchman, and an Under-Secretary of the same Office; for tho the Hand was endeavour'd to be disguised, most of the Letters were like the same Hand, especially the Letter *e*, which was very remarkable.

Sorsoleil, an Under-Secretary, his Concern in the Affair.

Sorsoleil was thereupon sent for and examin'd; he (who at the time of the writing the Letter seem'd to have some spice of Honesty) now denied the writing the Letter, but own'd he knew *Robart* intimately well; That they had been Servants together at the Earl of *Lindsey's*, and were almost daily together, till within these last four or five days. Being ask'd when he saw him last, he gave this account.

That being with two or three of his Countrymen on Sunday last, and talking of the Duke of *Leeds's* Impeachment, one of the Company told him, that *Robart* was withdrawn, or would soon withdraw: That the same day he tried to find *Robart*, because he the said *Sorsoleil* had borrow'd Money of him, upon a Pawn of a far greater Value, which he was loth to lose, but could not find him that day; but on Monday morning, as he was going from *Whitehall* to *St. James's* in the Park, he verily believes he saw *Robart* turn the Corner of the Wall towards *St. James's* House, and hasten'd after him, but *Robart* went away so fast he could not overtake him, nor hear of him at the Duke of *Leeds's*.

Sorsoleil farther added, that he told all this to *Bernard* in talking of his being sent for by the Committee, who dissuaded him from mentioning it to the Committee, saying, he was a Fool if he mention'd any thing of this, for he would not be examin'd to it.

On Friday morning *May 3.* one of the Committee examining the Letter, found the Superscription was writ in a different Hand from the Inside; which observing, and shewing it to a Gentleman who had been of Mr. Secretary *Trenchard's* Office, the Gentleman said he verily believ'd it was one *Robertaw's* writing, who was an Under-Secretary of the same Office, and that he could shew the same Hand in the Books, which he fetch'd, and comparing it with the Letter, it did appear so; and *Robertaw* was sent for, who own'd his Hand on the Superscription, and said, that he saw *Sorsoleil* write the Inside. The manner he related thus.

That on Wednesday morning last, *Sorsoleil* and he being at the Ax and Gate in *Robertaw's King-street*, *Sorsoleil* told him, that *Bernard* had help'd *Robart* to a Pass for *Holland*; and added, 'twas pity the Nation should be thus abus'd, or something to that effect. Whereupon *Robertaw* told him, that he would do well to let the House of Commons know it. *Sorsoleil* reply'd, he would not expose himself to Ruin. [Had this been any other than a Foreigner, it had been less pardonable, it being as much as to

Account of the matter.

to suppose we are got back into the Reign of King *Charles* the Second; and that now, as then, the Man who serves his Country, runs the hazard of being ruin'd.] Besides, said *Sorsoleil*, I have Obligations to the Duke of *L—*'s Family. [The more's the Pity; for his Obligations, and *Bates*'s old Friendship, have been hitherto some obstruction to the clearing up the Point in question.] And he added, that *Robertaw* might write a Letter by the Penny-Post to the Speaker: Which *Robertaw* refus'd, saying, he did not know the thing; but if *Sorsoleil* would write the Letter, he would write the Direction, which they each did, and sent it.

Sorsoleil
denies his
Hand-
writing.

Robertaw and *Sorsoleil* being confronted, *Sorsoleil* still deny'd it; and *Robertaw* offer'd to make Oath of the Truth of what he said. *Sorsoleil* own'd he was on Wednesday morning alone with *Robertaw*, at the *Ax and Gate*, and appear'd in great Disorder.

Mr. *Vernon* and Mr. *Tard*, the two first Secretaries in that Office being present, declar'd themselves amaz'd at *Sorsoleil*'s denying his Hand; and both said, they did as much believe it his Hand, as if they had seen him write it.

It may be remark'd upon the History of this Affair, that would *Bernard* have dealt ingenuously, the World might have receiv'd Satisfaction who the Persons were that obtain'd the Pass to send *Robert* away; but he denies all, knows nothing of the Matter, and tells *Sorsoleil*, he is a Fool if he discovers what he knows. And,

Sorsoleil being under Obligations to the Duke of *L—*'s Family, is found so impudent as to deny his own Hand-writing, and that in the presence of worthy Gentlemen who were well acquainted with his Writing, and of another who offer'd to make Oath he saw *Sorsoleil* write it.

So the Result is, *Robert* is fled the Kingdom with 600 Guineas, part of some Body's 5000; *Bernard* and *Sorsoleil* have subjected themselves to the hazard of losing good Employments; and that *Non-Juror*, the Duke's old Friend, Mr. *Bates*, is lock'd up in the Tower with his own 500 Guineas. Now for whose sake these Persons have thus expos'd themselves, I leave the Reader to conjecture.

Having but now mention'd Mr. *Bates*, some particular Hints occur to my remembrance, which may tend to set the Matter of the 5000, and also the 500 Guineas in its true Light, and which have not before been fully related. They are these,

Sir *Basil Firebrace* declar'd, 'That to induce Sir *Thomas Cooke* to give *Bates* 500 Guineas, he told him that Mr. *Bates* had a particular Interest in the Duke of *L—*; That Mr. *Bates*, or what Methods he took, made my Lord President more easy than he was before he us'd those Means.

And it may not be forgotten, that all the while Mr. *Bates* was under Examination by the Committee of both Houses, he had a Paper in his Hand writ like a Catechism, with Question and Answer on the Margin, which he perus'd before he would answer any Question.

It was related page 497. of the Collection of Debates, &c. That Mr. *Bates* depos'd, he sent a Servant to receive the Money. Now it must be noted, that when he was ask'd the Name of the Servant; after long perusing the said Paper, he said he thought that was no fair Question: And it was several times demanded of him before he told the Committee it was my Lord President's Servant, and his Name *Robert*.

Note also, That once when Mr. *Bates* was ask'd when the Money was receiv'd, he said, What! My Lord's Money? Upon which it may not be amiss perhaps to note, that in the Evidence given in, concerning Mr. *Bates* and his Friend at St. James's, Mr. *Bates* was said to have been treated with, as one belonging to the D— of *L—*; which was not truly of so great Honour to him, as the Title he gave himself of Friend to that Great Person.

It is also to be remark'd, that Mr. *Bates* said he receiv'd the 500 Guineas himself [tho as in pag. 497. of the Collection, he said, he could not well tell Money] and that My Lord's Servant receiv'd the 5000 Guineas [but not for the Duke it seems, but to keep by him, till the squeamish-conscienc'd Gentleman, who could not swear to King *William* and Queen *Mary*, should find such a Noise made about them, that it should become advisable to make a Return of part of them to the right Owners.]

It may be further observ'd, That Mr. *Bates* had forgot the difference of Change in the Value of Guineas, from the Time they were receiv'd, to the Time they were return'd back; and several times insisted, that he had restor'd all the Numerical 5000 Guineas; when at last he own'd the Receipt of 4400 Guineas only in four Bags,

Bags, from Monsieur Robart. He said he did not receive the 600 more, to make up the 5000 Guineas, and only repaid 4400.

To Sir Basil Firebrace's Depositions in the former *Collection*, pag. 499. it may be added, that about a week before the Money was brought back, he went to Mr. Bates, and bid him speak to my Lord Duke, to take care this Matter might not come out: and Mr. Bates then told him, the Money was all for himself, but he could not restore it till he had spoken with his Friend.

Now before we conclude, a few Words of Sir John Trevor, once Speaker of the House of Commons, and of the innocent and highly abus'd Orphans.

He (we remember) order'd Mr. Leake the Printer, and no other, to publish to the World, 'That Sir John Trevor, Speaker of the House of Commons, receiving a Gratuity of 1000 Guineas from the City of London, after passing of the Orphans Bill, is guilty of a high Crime and Misdemeanour. And in a few days after, the same Mr. Leake, without his Appointment or Leave, proclaim'd it, 'That Sir John Trevor, late Speaker, was expell'd the Chair and House for the said high Crime and Misdemeanour: So just a Horror, so Noble an Indignation had this August Assembly for his Crime!

Sir J. Trevor receives a Gratuity of 1000 Guin.

But here some few unthinking Men object, That if there were Justice in his Expulsion, yet to expel him for taking a Gratuity, after the passing an Act of Parliament, is *summum Jus*. What, say they, will you run up his Punishment so high, for a Fault of so soft a Name, for a Gratuity only (not a Bribe) and for a Gratuity given after the Act was pass'd? To leave the Answer to another, I only observe, that tho this Gratuity, as term'd, was paid or given (which you will) after the Act was pass'd, he had an early Assurance of the 1000 Guineas, and that four or five days before the Bill was order'd to be brought into the House, as will presently appear; as it may in due time, if some in the City would earnestly set about it who made the Contract with him.

This cannot receive a more apposite Answer than has been lately given by a most ingenious Person, and therefore with his leave I will transcribe it.

'When all is done (*saith he*) what a just Indignation must it raise in every one that loves his Country, to see it possible for Corruption so far to enter into that Chair, as to take Money for an Act of Parliament! This is a monstrous Production in Nature unknown to the Ages past, and only to be found in this. To take a Gratuity for an Act of Parliament, is ill enough; but to take one for an Act in favour of poor Orphans, for an Act in which not only the Honour of the Nation, but the Subsistence of some hundreds of People of good Fashion and Quality, that wanted Bread, and must have starv'd without it, is concern'd; to take a Gratuity for such an Act, is a thing scarce to be parallel'd! This was to rob the Poor with a Witness, a Crime which we see every day the Wretches that pad upon the Highway disdain to commit.

And whereas some blame the Persons who gave the Speaker this Gratuity, the contrary hath been very well asserted, and they justify'd by him, who said, That if a Man will not do me Justice without Money, I know not why I may not give it him, rather than suffer by his Injustice; the Fault is none of mine, it's his that would not do me reason without it; I would give a Robber on the High-way a part to save the rest.

That the Case stood thus with the distressed Orphans, is beyond contradiction true; their Case might be well esteem'd Hopeless and Desperate, by him who considers in how many Sessions of Parliament they had been baffled and tired out with fruitless Attendances, and that Prayers and Tears had no way avail'd them.

Were it consistent with my design'd Brevity, I would recount the incredible Delays, and reiterated Disappointments which had been given them in every Session of this Parliament, till they came to make the requisite Application to the Speaker; but I shall only review the Journal of the three Sessions in 1691, 1692 and 1693. which will demonstrate, that they were laid under the highest and most absolute Necessity to try the Power of Gold.

Delays us'd in passing the Orphans Bill.

On Friday the 27th of November 1691. The Lord-Mayor, Aldermen, and Common-Council of London, presented a Petition to the House of Commons, praying leave to bring in a Bill for raising a Fund for an Annual Paiment, to be made in lieu of the Debts to the Orphans. Which being read, Leave was given to bring in a Bill as pray'd; and on Wednesday the second of December, the Bill was presented and read the

the next day, and order'd to lie on the Table; which is esteem'd in Parliamentary Proceedings, a clean way of rejecting it.

Narrative
of the De-
lays & Me-
thods us'd
in getting
the Orphans
Bill to be
pass'd, from
time to
time.

Hereupon, on Wednesday the 9th of December, it was resolv'd (upon a Motion made on their behalf) that the House would take into Consideration the Debts due to the Orphans, and their Relief, the next Monday, and then consider of Ways for their Satisfaction.

On that Monday, the 14th of December, the Consideration of this Affair was deferred to the following Saturday, then to the next Thursday, thence to that day Seven-night; so to the next Wednesday, when nothing was done: But on Friday the 8th of January it was adjourn'd to the Tuesday following, then to the next Monday, thence to Friday, so to Wednesday; and after that to

Friday the 29th of January, when they resolv'd into a Committee of the whole House to consider of ways for satisfying the Orphans Debts; and Mr. Harcourt reported, that they had made some Progress, and desir'd Leave to sit again: Upon which they resolv'd to consider again next Wednesday. Then nothing being done, on Friday Feb. 5. it was adjourn'd to the following Tuesday, when the House being upon the *small Tithe Bill*, nothing was done.

Thursday the 11th of February, the Lords sent down a Bill for Relief of the distressed Orphans, which was read; and upon Saturday the 13th the Lords sent to put the House in mind of that Bill: And thereupon a Motion was made that the Bill should be then read a second time, but it pass'd in the Negative; and a like Motion was rejected on Saturday the 20th of February.

At this rate was their Affair carry'd (or rather stood still in the Session of 1691.) See now how it far'd with them in 1692.

On Thursday the 17th of November 1692. the Sheriffs and several Aldermen presented a Petition from the Lord-Mayor, Aldermen, and Common-Council of London, praying the Assistance of the House for raising and settling a Fund for payment of the Debts due to the Orphans: Which was read, and order'd to be taken into consideration on Thursday; when, and afterwards for that Session, we find it adjourn'd from Thursday to Wednesday, from Wednesday to Friday, &c. above twenty Days having been appointed, and nothing effected more than in 1691.

We are now got to the Session of 1693. where you have a remarkable Trial of Skill.

On Thursday November 30. 1693. a Petition of the Lord-Mayor, Aldermen and Common-Council of London, was presented to the House and read, *Praying the Consideration of the House, in order to a Provision to be made for payment of the Debts due to the Orphans.* And it was referred to a Committee of the whole House to consider it the next Tuesday; then it ran its old Fate, as in 1691 and 1692. and their Expectation was not less than ten times rais'd and disappointed, by ordering it to be consider'd so many several Tuesdays, Fridays, &c. between that 30th of November and the 24th of January, and nothing done in it; but hitherto they had sneakingly with-held the *Wonder-working Guineas*. And

They plainly found that *the Cart was bewitch'd*; and therefore to be deliver'd from the *Incantment*, on Wednesday the 24th of January, when the House by their last Order of the 23d, were to consider (as they had heretofore done) upon the Saturday following, the City observing the House engag'd in the consideration of *Ways and Means* for carrying on a vigorous War against France, took a Resolution to bethink themselves of *Ways and Means* for carrying on more vigorously their hitherto baffled Attempt to obtain Relief in the deplorable Case of their distressed Orphans; and in order thereunto, the Common-Council appointed a Committee to consider of *Ways and Means* for satisfying their Debts, and to solicit the Parliament for a Bill to that purpose; and order'd the Chamberlain to issue out and pay such Sums as are requir'd by, and necessary for promoting the said Services; and directed that Mr. Borrett the City Solicitor do attend the Committee.

It deserves Remark, that when this Order was made and sign'd by the Committee, there was a Blank for the Person's Name: But there was a discourse in the Committee, that the *Speaker was the Person to whom the Money was to be given*: And Mr. Borrett told the Committee, that *the Bill could not pass without giving that Sum.* 2000 Guineas were mention'd by others; and the Persons who solicited for the Orphans, declar'd it would cost them as much as it did the City; and some of them said they had been out more than 10000 l.

The City *Ways and Means* being yet under Consideration, on Saturday the 27th of January, the Affair of the Orphans was put off to the next Friday, then to Tuesday

Tuesday Feb. 6. thence to Saturday following; when nothing being done, on Monday the 12th of February there began to be some Life in the Cause: Then a Petition of the distressed Orphans was presented to the House and read, *praying that some Expedient may be found out for their Relief.*

Behold now, they no sooner pray for an *Expedient*, but they have it the same day; and here observe what it was.

Monday the 12th of February 1693. 'Order'd (by the Committee of Aldermen and Commoners, appointed by the Common-Council upon the 24th of January) that Mr. Chamberlain do pay to the Honourable Sir John Trevor Kt. Speaker of the Honourable House of Commons, the Sum of 1000 Guineas, so soon as a Bill be pass'd into an Act of Parliament for satisfying the Debts of the Orphans, and other Creditors of the said City.

Well, whether it were owing to the Prayer of the Orphans, or to this Order of the Committee, I determine not; but now (however it happen'd) the Honourable Speaker (like another we lately talk'd of) appears more easy than heretofore; they had long apply'd to his Ear, but without Effect: Now they make a more proper Application by speaking to *his Fist*, and mark how it works.

On Thursday the 15th of February, the Orphans Affair, after at least one hundred Disappointments, is call'd upon in the House; and what then? Why surely it is to be consider'd the next Monday, or that day Seven-night, or so. — No such thing: The House resolv'd it self into a Committee of the whole House to consider of the Petition of the Lord-Mayor, &c. relating to the Orphans. What then? Why Col. GOLDWELL reported, that *they had gone through the Matter to them referr'd*, and come to several Resolutions, which they directed him to report. [Here's now quick Work, all done with a Jirk, *no praying Leave to sit again*, as heretofore. But who is this Col. Goldwell? he ought to be taken notice of, and well rewarded for this eminent piece of Service, as without doubt he was; for he would never do this for *Nothing*, who had 1000*l.* of *Action* on the *East-India* Score, for doing Nothing. Besides, he was no Fool; and if he had not known how this Matter would turn to Account, he would have said as Mr. Bates did at the making the Bargain for the 5000 Guineas for his Friend at St. James's—*What's this to me? I ought not to be employ'd for Nothing.*] But when will the Report be made? Why, without Delay, expect but 48 Hours and you have it.

The Bill call'd for after several Disappointments

Saturday the 17th of February, Col. Goldwell made the Report. What's next? Why, 'tis fair if it be read next Saturday: No, 'tis instantly read; nay, which is more, agreed to; and a Bill order'd to be brought in by that most expeditious Gentleman, Col. Goldwell.

On Thursday the 22d of February, Col. Goldwell brought in the Bill for Relief of the Orphans; it was read, and order'd a second Reading. [Now here's no ordering it to lie on the Table.]

Saturday the 24th of February, the Orphans Bill was read a second time, and order'd to be consider'd by a Committee of the whole House next Saturday.

Saturday the 3d of March. [Nothing now is to interpose between Mr. Speaker and his Comfortable Importance] the House resolv'd it self into a Committee of the whole House upon the Orphans Bill, and Mr. Hungerford took the Chair, who reported they had gone through the Bill, and made some Amendments; and it was order'd that the Report be made on Thursday.

Thursday the 8th of March, Mr. Hungerford made the Report, which was read, and agreed to, and the Bill order'd to be ingross'd.

On Monday March the 12th, the ingrossed Bill for Relief of the Orphans was read a third time and pass'd, and order'd to be carry'd up to the Lords, and that without a Message from their Lordships (as heretofore) to put them in mind of the distressed Orphans Case. Mark now! when Business is put in a right Method, and understanding Men give their Minds to it, with what Ease and Expedition they can rid their Hands of that which before had gone very awkwardly. We find here, that these three expert Gentlemen, Sir John Trevor, Colonel Goldwell, and Mr. Hungerford (the Witchcraft being remov'd) gave a neat Dispatch to that in less than four Weeks, which other, as willing and wise Men, but of a plainer sort, had in vain been tugging at above four Years. But, as I said before, *the Cart was till now evidently bewitch'd*, and that by the Stinginess of close-banded Citizens, as Col. Cuthbert expressed it pag. 483. of the Collection of Debates, &c.

The Bill dispatch'd at last.

*Quid faciant Leges, ubi sola Pecunia regnat,
Aut ubi Paupertas vincere nulla potest?
Ergo Judicium nihil est, nisi publica Merces,
Atque Eques in Causa qui sedet, empti probat.* Petron. Satyr.

Where e'er Judg Guinea rules, what use of Laws?
Contemned Poverty ne'er gets its Cause.
Justice is Merchants Ware, the Trade is free,
The KNIGHT that fills the Bench sells the DECREE.

*A Defence of the Archbishop's Sermon
on the Death of her late Majesty of blessed Memory:
And of the Sermons of the late Archbishop, Bp. of
Litchfield and Coventry, Bp. of Ely, Bp. of
Salisbury, Dr. Sherlock, Dr. Wake, Mr. Fleet-
wood, &c. preach'd upon that and several other
solemn Occasions.*

Printed in 1695. *Being a Vindication of the late Queen, his present Majesty, and the
Government, from the malicious Aspersions cast upon them in two late
Pamphlets; One entitled, Remarks on some late Sermons, &c.
The other, A Letter to the Author of a Sermon preach'd at
the Funeral of her late Majesty Queen Mary.*

THE Author of the first Pamphlet seems to have made Poison his natural Food, for he breathes nothing but Rancor and Malice; which of it self is enough to invalidate his Credit with every considering and impartial Reader: and if it be not an Argument of the Badness of his Cause, it does at least demonstrate the Weakness of its Champion.

*Vindication
of the Cler-
gy that
have taken
the Oaths.*

His first Efforts are against such of the Clergy as think themselves oblig'd to speak honourably of the present Government, either from the Pulpit or the Press; and this he charges upon them as an *Inconsistency with their former Principles and Practices*: and calls it a *Language de facto*, which as well as their Oaths, hath a temporary Meaning, and may be capp'd if Occasion serves with Expressions and Oaths of a contrary Tendency. And yet he tells us, Pag. 3. Col. 1. that far the best, wisest, honestest, and most numerous of the Compliers, think they can acquit themselves by the Constraint and Force that is put upon them; but still retain their old Principles relating to the Monarchy and the Church. Now what else he can make of such honest, wise, and good Persons as here he describes, than *de facto* Men, no body is able to judg; so that in one Breath, he both commends and condemns them, and proves himself guilty of that same Inconsistency for which he accuses others. However, what he says is a very severe Libel against the Clergy, if it could be but as well prov'd as it is boldly asserted: But the Author would have done well before he had advanc'd such a general Accusation, to have consider'd what hath been writ in defence of the Clergy from those Calumnies of Inconsistency, &c. by Mr. Johnson, and the Author of *Bibliotheca Politica*, &c. viz. that Passive Obedience, as cry'd up in the late times, was never the Doctrine of the Church

Church of *England*, tho it was given out as her Characteristick by a Party who did arrogate that Title: and until he confute what those Authors have writ, the Clergy who comply with this Government, ought not to be reproach'd with Inconsistency; and for such of them as might be hurried into that Opinion by the Current of the times, but have now recover'd themselves, it may be reply'd, that there's no Man forbid to examine his Principles, nor to relinquish such as he finds will not hold. So that the whole of our Author's Charge amounts to no more than this, that some of the Clergy were formerly blind, but now they see; and therefore he is angry that they don't still stumble at the old block of Passive Obedience. Indeed there's no reason to wonder, that the Jacobites should be so highly enrag'd when they hear the present Government commended from the Pulpit, because it is one of the readiest and most effectual Means to confirm the People in that good Opinion which they are naturally inclin'd to entertain concerning it: and therefore it were to be wish'd, that the Clergy did lay hold on all proper Occasions of insisting on this Subject; as some of our Author's Kidney did in former Reigns, to advance the Prerogative of their Monarchs to an undue height.

This Gentleman's Distinction of the Clergy, is very observable. Some of them it seems find themselves oblig'd to give the glorious Epithets of illustrious Deliverer and Saviour to his present Majesty; and against those our Author darts all the poisonous Shafts in his Quiver. There are others whom he will have to be far the wisest, best, honestest, and most numerous; who tho they comply, do nevertheless excuse themselves, because of the Constraint put upon them; and retain still their old Principles, relating to the Monarchy and the Church: and those to be sure neither will, nor can say any thing in Commendation of this present Government, which they must needs look upon as an Usurpation. And hence our Author's Honesty may be guess'd at; who allows such Men to be wise, good, and honest, that can swear Allegiance to a Government, profess a Compliance with it, and pray daily for its being supported; when at the same time they look upon it as founded on Injustice and Usurpation. But supposing our Author's Assertion to be true, where's his Policy, and what's the Service he does to his Party, by making it publick? It might be reasonably thought, that a sacred Concealment of such an important Secret would be more for the late King's Interest, than to publish it thus to the World: For so long as the Compliance of the major part of the Clergy is look'd upon by this Government to be sincere, whereas according to our Author it is nothing so, then those dissembling Clergy-men have the better Opportunity to rid themselves of that burden, which now they are forc'd to crouch under: But by telling it thus to the World, that such of them as preach in defence of the present Government are mere Temporizers, and those who say nothing do only submit by Constraint, is to do as much as in our Author lies, to set the Government on their Guard against all the Clergy; and either to put their Loyalty to the Touch-stone, by obliging them to abjure *K. James*, as is practis'd by our Neighbors in *Scotland*, or to take such other Measures as may turn all those Dissemblers out, to make room for those who are honest Men. And therefore let the Jacobites themselves be Judges, whether our Author deserves their Thanks for this Insinuation. But to make something of an Apology for the Gentleman, because it's pity he should lose both Parties: It's highly probable that he does not believe it himself; for if he had, he would never have been guilty of so much Folly, and Dishonesty to their Interest, as to have publish'd it to the World. But he knows that such a sly Suggestion may be of use to support some of the drooping Spirits of his own Party, and serve to create a Misunderstanding amongst ours if it could obtain Belief. But he may be pleas'd to take notice, that the Williamites do expect better Evidence than his, before they give Credit to an Accusation on such Consequence.

Our Author falls next upon the Clergy's Method of supporting their ungodly Interest, as he calls it, *Pag. 3. Col. 1. which is first to blacken all those that oppose it; and next to magnify and advance that Interest on the other hand, as much as they can.*

The Gentleman's Choler is in a mighty ferment, because Dr. Tillotson and others did in their Sermons give the French King the Character of a 'Great Oppressor, Antichristian Tyranny and Powers, one who invades and usurps upon the Liberties of Europe, that hath stain'd all the Pride of his Glory by Tyranny and Oppression, by enlarging his Dominions without Right, by making War on his Neighbors without Occasion, or even Colour of Provocation; and this in a more barbarous manner than the most barbarous Nations ever did, carrying Fire and Desolation wherever he went, laying wast many and great Cities without Necessity and without Pity:

Archbishop
Tillotson
vindicated

One who has endeavour'd to exalt his Nation by nothing but Fraud and Forgery, Perfidiousness and Perjury; by breaking his Faith, and violating Leagues and solemn Treaties, &c. And this our Author calls a *Godly Method of disparaging and reproaching*. Now if all *Europe* could not attest this to be a true Character, our *French* Champion might have some Cause to call it not a godly (according to his profane Rhetorick) but an ungodly Method of disparaging and reproaching: But every Sentence of it can be sufficiently prov'd, and the Gentleman will find it so if he will be at the pains to consider his barbarous Persecution of his Protestant Subjects, and the Manner of it; which does at once demonstrate his great Oppression, Antichristian Tyranny, Ingratitude, Fraud and Perjury, to have dealt so by a People to whom he owes his Crown, and whose Privileges were confirm'd by the Edict of *Nants*, which was one of the most solemn Treaties that ever was in *Christendom*. That he hath invaded and usurp'd upon the Liberties of *Europe*, hath been loudly declar'd to the World by *Germany*, *Spain*, and the *Netherlands*; that he hath made War upon his Neighbors without Occasion, or Colour of Provocation, will scarcely be deny'd, so long as his breaking in upon *Low-Germany* and *Holland* in 1672. can be remembred: His enlarging his Dominions without Right, is sufficiently demonstrable from his treacherous Usurpation of the Dukedom of *Lorraine*, &c. and his barbarous Manner of waging War, carrying Fire and Desolation wherever he went, laying wast many and great Cities, without Necessity and without Pity, is but too too evident from the lamentable Fate of the *Palatinate*, *Worms*, *Manheim*, *Heidelberg*, &c. Nay we have Witnesses enough of the Barbarity of his Troops in burning of Towns nearer home, viz. in *Ireland*: And that he hath endeavour'd to exalt his Nation by Fraud and Forgery, Perfidiousness and Perjury, can never be deny'd so long as his Violation of the Treaties of *Nimeguen*, *Aix la Chappelle*, and others, are upon Record.

Jacobites
vindicate
the Fr. K.

The Libeller's spiteful Similies, and Rhetorical Flourishes, to prove that those Divines do aggravate the *French* King's Tyranny and Oppression, to render us insensible of our own at home, discover so much of his Temper, that if the *French* Tyrant had sought all *Europe* over, he could not have found an Advocate fitter for such a Cause, and such a Master. Naturalists tell us of a certain Animal that lays aside its Poison when it goes to drink, for fear it should poison it self: Our Author I suppose to be such a kind of Creature, and therefore he may now take his Glass freely; for I doubt not but he hath bankrupt his whole Stock of Venom, and when he hath done with his Bumper, he may return with the Dog to his Vomit, and lick it up again. But I will suppose that he hath not done it yet, and that now he may have some lucid Interval, and therefore we will argue the Case a little calmly.

Does he think then that he gives us *quid pro quo*, when he tells us, that we have a greater Usurper at home than the *French* King, who hath been a little uncivil to the *Germans* and *Spaniards*, and taken a few Towns, whereas ours hath usurp'd three whole Kingdoms? Can this Libeller say that the *Germans* and *Spaniards* invited the *French* King to come and deliver their Countries and Towns from the Usurpations of their own Princes upon their Laws and Religion? Or can he pretend that *Lewis XIV.* had his Wife's and his own Title to those Towns and Provinces, endanger'd by the imposing of a supposititious Heir upon them?

The Charge
against the
French K.
justify'd.

Ay, but says our Author, the *French* King had no Father to usurp upon, and he hath offer'd to restore those Towns, &c. on honourable Conditions. I have heard of a smart Repartee by our *Charles* the Second, when an Exile in *France*, to his Cousin *Lewis*; who falling out with him on some occasion, upbraided him with his Father's Wilfulness: 'True, Sir, said he, I had a Father, but you can scarcely tell us who was yours. I will not vouch for the Truth of the Story; but am apt to think, that if the *French* King's Father had been alive to this day, he would have usurp'd upon him before now if he could have known him, and that he had possess'd any thing worthy to be usurp'd upon: But we are certain that he hath usurp'd upon his Brother-in-Law, and other Relations, and that contrary to the Treaty of the *Pyrenees*, and other solemn Transactions. As for his offering to restore the Towns, it's only because he's afraid he shall not be able to keep them: but blessed be God the Case is otherwise with King *William*; and if it were not, he has more true Courage to defend his just Right, than to offer to part with it so long as he can handle his Sword. This malicious Pamphleteer would have done well to have consider'd what hath been writ by so many able Pens, in defence of the present Government from the odious Charge of Usurpation, before he had ventur'd to call our Sovereign an Usurper, and particularly that elaborate Piece call'd *Bibliotheca Politica*; but he chuses railing rather than reasoning.

As

As appears by that envious Reflection, pag. 5. col. 1. That all the Liberty this Nation enjoys under this blessed Revolution, is a Liberty of giving seven or eight Millions year after year, and a Liberty of losing as much more; a Liberty of being first made poor, and then famish'd and starv'd; a Liberty of having our Brethren and Countrymen sent into foreign Countries to be knockt on the head; a Liberty of being scorn'd by all Mankind, as the most treacherous and perfidious Nation in the World: And last of all, a Liberty of being impoverish'd beyond repair, and being ruin'd for ever. And he gives us a Defiance to shew any other Liberty besides, as the direct and immediate Fruits of the Revolution.

We don't at all doubt but our Author, and those of his Stamp, would be very well satisfied, if instead of spending some Millions in our defence abroad, the French King or his Deputy the late King, for such he must be if ever he return hither, were devouring our Substance with an armed Force in the Bowels of the Kingdom; and that instead of having some of our Brethren knockt on the head in Flanders for the defence of that Country which was formerly reckon'd our Barrier, there were some thousands of them butcher'd at home by Irish and French Cut-throats: and then instead of some Millions, we must part with our whole Stock to satisfy the ravening Appetites of the abdicated Prince's necessitous Adherents, and the French King's Demands for maintaining him some years, and bearing the Charge of a War on his account. And then we should indeed be impoverish'd beyond repair, and become the Scorn and Reproach of the whole World, as being utterly and irrecoverably undone by our own Folly.

As for the other Liberties that we enjoy as the direct Fruits of the Revolution, which this bold Libeller defies us to shew, we could enumerate many, but shall only instance in these that follow, viz.

‘ We are now deliver'd from a Popish King on the Throne, profess'd Jesuits, and other Papists, in our Council, Parliament, Benches, Army, Fleet and Universities; nor are we now in hazard of having a supposititious Heir of the Crown impos'd upon us, and educated in the Romish Communion, to the ruin both of our Religion and Property. We are now at liberty, and have done it accordingly in a good measure, to make such Laws, and take such other Methods as are most proper to preserve us from such Dangers in time to come. All Protestants are now at liberty to worship God according as they are persuaded in their Consciences is most agreeable to his Will, without fear of being ruin'd in their Persons or Estates, by any Faction prompted thereunto by the Court, or without hazard of having any Party of Protestants join with Papists, to overthrow the Church as by Law establish'd, that so they may procure Ease to themselves. We are now deliver'd from having the Charters of our Cities and Corporations seiz'd by *Quo Warranto's*, Sheriffs impos'd and Juries packt, to ruin the Lives and Estates of such as the Court pleas'd, and cut off the Chief of our Protestant Nobility by wrested Forms of Law. We are now deliver'd from having the Throats of our Peers and Magistrates cut, and the Scandal of it thrown on themselves. We are now deliver'd from all Restraints upon those who have a Right to vote for Members of Parliament, and are in no fear of having a Court Faction impos'd upon us as the Representatives of the Nation. We are now deliver'd from a Power of dispensing with Laws, and a Set of Judges and Ecclesiasticks, who advanc'd the King's Power above all Laws. We are now assur'd of a Privilege of having a new Parliament once in three years: And we are now deliver'd from all Apprehensions of the Court's joining with France to enslave us, or bringing in of French and Irish Papists to endanger our Lives and Estates. We are now secur'd against the keeping up of a Standing Army in time of Peace, and have liberty to enquire which way the Mony of the Nation is spent, and to punish those that mispend it. We are now deliver'd from the fear of being invaded by our Neighbours of Scotland, where our late Princes had procur'd an Act of Parliament for a numerous Army, to over-awe us into a Compliance with the Designs set on foot to bring in Popery and Slavery. We are now deliver'd from all fear of losing the English and Protestant Interest in Ireland, by having the Government of that Kingdom put into the hands of Irish Papists: And we are also deliver'd from all Fears of an Invasion from thence. We are now deliver'd from all danger of being engag'd in a War upon every trivial occasion with our Protestant Allies the Dutch, and being made the inglorious and unhappy Tools of contributing to the Ruin of the Reform'd Religion in Europe. We are now deliver'd from an illegal High Commission, compos'd of Papists and corrupt Protestants, to ruin our Church

The Liberty we have acquir'd by the Revolution.

‘ Church and Universities. We are now deliver’d from Regulators to turn out such
 ‘ Magistrates of Corporations and Commissioners of the Peace, as will not agree to
 ‘ repeal those Laws which secure our Religion. We are now deliver’d from all
 ‘ fear of having Papists to be our Magistrates and Legislators; or having our No-
 ‘ bility and Gentry prosecuted as Criminals, for advising not to obey the Orders of
 ‘ such Magistrates. We are now deliver’d from having Mony levied for the use of
 ‘ the Crown, by pretence of Prerogative. We are now deliver’d from excessive
 ‘ Bails and Fines, and cruel unusual Punishments: Nor are our Representatives in
 ‘ Parliament now prosecuted for Freedom of Speech. Now all these, and many
 more are the direct and immediate Fruits of the Revolution: But if our Author and
 his Party will not see them, we cannot help it; tho at the same time they must give
 us leave to charge them with the height of Impudence and Injustice to deny it.

Charge a-
gainst the
Fr. King
justify’d.

Our Libeller, pag. 5. col. 2. in answer to that Charge of the *French King’s* ad-
 vancing himself by breaking his Faith, and violating Leagues and solemn Treaties,
 thinks he acquits himself bravely by recriminating upon the States and the Prince of
Orange, as guilty of such a perfidious and notorious Violation of Faith, Leagues,
 and solemn Treaties, by making War on *K. James*, as no History can parallel. If
 hard words would do it, our Author has sufficiently prov’d it. However, if he
 will allow us to follow his own Method of Recrimination, we can quickly re-
 ply, that if they did so, it was but according to the Copy set them by *Charles*
 the Second, who made war upon them, and seiz’d their Ships without any Decla-
 ration, whereof *K. James*, when Duke of *York*, was suppos’d to be the chief Pro-
 moter; so that he was but justly repaid in his own Coin. And what if we should
 tell our Author further, that his great Master *Lewis XIV.* made war on the Empire,
 seiz’d *Philipsburgh*, and invaded the *Palatinate* during the time of a Truce, and
 without any previous Declaration; that in the like manner he did seize *Strasburgh*
 and *Luxemburgh* after the Peace of *Nimeguen*? And the *French* reckon it one of the
 greatest Embellishments in Cardinal *Richlieu’s* History, that he plotted the Revolt of
Portugal from the Crown of *Spain*: So that now I hope we have cram’d our Author
 with Parallels. But to be plainer with him yet: We deny his Charge; the States
 made no War upon *England*, but only lent their Forces to the Prince of *Orange*, an
 independent Sovereign, to pursue his own and his Wife’s Right, which *K. James*
 went about to deprive them of by a counterfeit Heir. And tho they had declar’d
 the War in their own Names, it’s no more than what might very well be justified,
 considering the strict Alliance betwixt *K. James* and the *French King*, and the angry
 Memorials which the latter’s Envoy had presented to them not long before. So
 that they had all the reason in the world to secure themselves against the Designs of
 those two great Monarchs, of whose implacable Enmity they had but too much Ex-
 perience. But further; Tho neither the Prince nor the States had had any Cause
 of their own, it would have been not only just, but generous, to have lent their
 helping hand to a neighboring Protestant Church and State, that were ready to be
 swallow’d up by Popery and Slavery: And Assistance by one Prince and State to ano-
 ther in such cases, is not only allow’d by *Bodin* and *Barclay*, but patroniz’d by the Ex-
 amples of *Q. Elizabeth*, *K. James*, and *K. Charles* the First; the former having
 given such Assistance to the Protestants of *Scotland*, *France* and the *Netherlands*, a-
 gainst their own Sovereigns, and the two latter having done the like as to the Pro-
 testants of *France*. So that our Author, I hope, will be satisfied, that we have
 show’d him several such Violations of Leagues and Treaties as he falsely charges upon
 the Prince and the *Dutch*, without going to search the *Records of Villany*, as he mo-
 destly bids us, except the Life of *Lewis XIV.* be such a Record.

The French
Advocate’s
Answer.

This *French Advocate* can find no other Topicks to defend his Client from the
 Charge of making War upon his Neighbors without Reason or Provocation, but
 the Precept that we are not to speak evil of Dignities. Methinks such an acute
 Author might have easily distinguish’d betwixt Dignities and Dignified Persons:
 for tho it be unlawful to speak evil of any Government, yet it must be allow’d,
 that there are some Cases when the Truth may be told of wicked Governors, else
 all Historians are culpable in relating the Vices of such as *Nero* and *Domitian*; *St.*
Paul must be blam’d for calling *Nero* a Lion, and our Saviour condemn’d for calling
Herod a Fox.

Our Author asserts pag. 7. col. 1. that ‘ If the *French King* had no Provocation to a
 ‘ War with the rest of his Neighbors, yet he had Provocations from us; and that
 ‘ he defies the Wit of man to assign any more than one Reason and one Provoca-
 ‘ tion of this terrible War on our side, and neither of them just, honorable, nor
 ‘ neces-

‘ necessary, viz. the skreening our Neighbors the *Dutch*, and our Men and Money must be sent thither for no other reason but to save their Pockets and their Skins; and he doubts this will never pass for an honorable Reason among *English*-men; that ’tis worth such prodigious Quantities of *English* Treasure and Blood to fight their Battels and secure their Frontiers. This he will have to be the reason of our War with *France*; and the only Provocation is, the *French* King’s entertaining of K. *James*. For his pitiful Reflection in that same place, as if we undertook this War to preserve the Prince’s Hunting, and his liberty of eating Bread and Cheese, &c. it argues the Author to be a mean-spirited Fellow, and deserves no Answer, nor indeed no other Reward from *Lewis XIV.* but to make him a Porter to the Seraglio of *St. Cyr*.

But to the former part of the Reflection, because it may perhaps have some weight with those who have as little Conscience or Sense as himself, he may be pleas’d to take this Answer: That we had reason to make War upon *France* as Guardians of the Treaties which that King had broke; and this was own’d in part by K. *James* himself, when he offer’d his Concurrence with the States to bring that King to Reason, upon the News of the Prince’s intended Descent: But that which is still a greater Reason, was his offering K. *James* Assistance to keep us in Slavery. So that no man, who has not forfeited his Senses, can be so blockish as not to perceive that it is our Interest to endeavour to put him out of a condition of serving us the same again. And hence it will appear, that we defend our selves as well as the *Dutch*; and ’tis agreeable to all the Maxims of Policy, that we had better attack our Enemy upon his own Frontiers, than suffer him to approach ours. But we know that this Libeller, and those of his Gang, are angry that we should chuse that Method; because so long as we do so, the execrable Faction can never join him: And from the same Motive it was, we doubt not, that some People of late have express’d so much Anger at our Fleet’s being sent to the *Mediterranean*. This Scribler has a superlative Spite at the *Dutch*, and is very angry that we should give them any Assistance; but whatever his sort of Men may think of it, the most part of the Nation believe themselves oblig’d to it in requital of the seasonable Assistance which they gave us to effect the happy Revolution: And tho our Author, we know, looks upon that as their Crime, he must not be angry at us, if we think it an Obligation, and indeed a very remarkable Providence, that as we were the Instruments of saving them in 1588, they should be made the Instruments of saving us in 1688. And why it should be less honorable in us to save them from the *French* now, than it was to save them from the *Spaniards* formerly, we should be very glad to know our Author’s reason: for if the *French* should over-run their Country, and possess their Sea-ports, we might quickly find it to our cost, that they would prove more troublesom Neighbors. And therefore there’s all the reason in the world, that when I see my Neighbor’s House on fire I should assist him to quench it; lest the Flames that consume his House, burn mine down to the ground. As for that malicious and groundless Calumny, that the only Provocation we have against the *French King* is his entertaining of K. *James* in a Noble, Princely, and Christian manner; it denotes the Impudence of the Author to be unexpressible. We have said enough already to evince, that there is other Cause of Provocation; and are so little concern’d at his Entertainment there, that we could very well spare the Author and all his Gang to take a share of it; but that they would carry whatever Effects they could hence, and return again Beggars, as the Party do daily, and so become a Burden to their native Country. The Libeller may be also pleas’d to take notice, that how generous soever he may represent the *French King*, it’s more for his own Interest, than any respect he has to K. *James*, that makes him entertain him; and yet ’tis very well known, that he would gladly be rid of the Burden, if he could tell how, now that he does not find his Account in keeping him, else he would never have solicited the Pope to grant him an Allowance and Residence at *Rome*. It’s within the Memory of Man, since he would neither entertain him nor his Brother, when they were forc’d to flee before the Usurper: and if he had not been deceiv’d by the hopes of embroiling our Affairs in *England*, and diverting our Forces from attacking him beyond Sea, he would never have entertain’d him now; and were he but half so generous as this Scribler represents him, he would never have thought K. *James* such a Burden as he does, especially when he knows that he lost his three Crowns by pursuing his Measures, and valuing his Alliance more than the Affections of his People. So that ’tis not the *French King*’s Piety, as this Author absurdly glosses it, in entertaining K. *James* that offends us, but that he should have engag’d

War against
France justify’d.

engag'd that unhappy Prince in his own impious Designs, to root out the Northern Heresy. As for that malicious and hellish Suggestion of our Sovereign's being uneasy so long as the late King is alive, and that he would be content to have him starv'd abroad, it may serve for a Character of such a base-spirited Villain as the Author: But that Prince's filial Regard to his unfortunate Uncle and Father, discover'd it self so much in his Tenderness towards him when he was in his power, tho the late King's unnatural Carriage to his dearest Princess and himself, would have justified another Conduct in that Heat which does usually attend such Indignities, especially when both Parties betake themselves to Arms, that none but such a black-mouth *Cerberus* as this Libeller could have had the Impudence to upbraid him with it; especially if he had given himself leave to reflect upon that barbarous Conspiracy, manag'd by the *French King* and *K. James* against his Majesty's Life, by *Granval* and other Assassins: whereas neither of 'em ever had so much Courage as to rencounter him in Person in the Field.

ABp Tillotson's Sermon vindicated.

His next Effort is upon the late Arch-bishop, for saying in a Sermon, That the *French King* makes War in a more barbarous manner than the most barbarous Nations ever did, &c. And here our Author triumphs over the Archbishop's suppos'd Ignorance and Falshood, and informing himself from the Newsbooks and *Welwood's* Observator, rather than from the Bible; where he might find that *Nebuchadnezzar* not only burnt *Jerusalem*, but carried the People Captive: and it was usual for Conquerors in those days to drive a whole Country, and replant it with their own native Subjects; of which the Conquest of *Samaria* is a dreadful Instance. I make no doubt but our generous Author has read the Fable of the living Ass's kicking the dead Lion, he puts it so exactly in practice: But he may be pleas'd to take notice, that if that renown'd Archbishop had been alive, he would have thought it below him to regard the Snarlings of such Animals as he. That worthy Person's Piety and Learning have erected themselves such lasting Monuments, as neither the Rust of Time, nor the infectious Breath of this Scribler, and the rest of his Kennel, shall ever be able to deface. But to come nearer him: Why might it not be as lawful for the Archbishop to take Information of matters of fact from *Dr. Welwood's* Observator, as it was for the Clergy of our Author's Party to quote *L'Estrange's* from their Pulpits in the days of yore? For certainly, as the Doctor had a better Cause to manage than *Sir Roger*, he was not under such Temptations as he to disguise Truth with Falshood. And why the *London Gazette* and *Haerlem Courant* should not be esteem'd as good Authorities as the *Paris Gazette* and *Dyer's News-Letter*, there's no other Reason to be assign'd, but because these last are the *Jacobite* Oracles, and yet both of them as false in their Responses, as ever were the Devils of *Delphos* and *Trophimus*. Nor is there any other Government but this, that would suffer such impudent Libels to be spread thro the Kingdom; but it's below them to regard the barking of Curs. However, this scurrilous Fellow may be pleas'd to take notice, that the Archbishop's Post and Character entitled him to a better and earlier Correspondence, than what is to be found in printed Papers.

Fr. King more cruel and perfidious than the King of Babylon or Assyria.

As to the Ignorance and Falshood with which he charges this worthy Primate, from the Instances of *Jerusalem* and *Samaria*; our Author would do well to justify his own Learning and Veracity, by telling us whether those Cities were so treated contrary to the Articles of Surrender and Agreement, by *Nebuchadnezzar* and the King of *Assyria*, as were the Cities of *Spire*, *Worms*, *Ments*, &c. by the *French King*: of which the Dauphin was so much asham'd, that he was thereupon very unwilling to command the *German Campaign* in 1689. And as a farther Evidence of our Author's profound Knowledg in Antiquity, pray let him tell us whether *Nebuchadnezzar* and the King of *Assyria* destroy'd the Temples, and overturn'd the Altars of those very Gods which they themselves worship'd, according to the laudable Practice of the *French King*, who spares neither Monasteries, Churches, Shrines, nor consecrated Virgins. And so long as this Scribler can never make it appear, that those Princes did either act contrary to the Capitulations, or to the Religion which they themselves profess'd, he may take his Instances again, and reserve them till another occasion; for I doubt they will do him very little Service in this. And seeing our Author is very well read, let him give us Examples of greater Barbarity if he can, than the burning of so many Towns and Cities in cold Blood after Surrender upon the Faith of Articles, as were burnt in the *Palatinate* by the *French King's* Order; insomuch that all *Europe* cry'd shame upon his Troops as Savages, who lov'd to do mischief for mischief's sake. What account can he give to his own Conscience, or the Church of *Rome*, of which he pretends to be the eldest Son, for burning

burning all the Churches in *Neustadt*, *Bingue*, *Neufburgh* and *Worms*, with all the most venerable Relicks, and the Image of the Virgin in the Cathedral of the last, tho it had been fam'd in their Legends for working of Miracles, and alledg'd to have spoken sometimes? How can he justify the blowing up of *Mount Olives* at *Spires*, which was a Master-piece of Sculpture, and much reverenc'd by all devout Papists? Now tho such things may happen when Towns are taken by Storm, what can be said to extenuate the same after Capitulation, and in cold Blood? Nor did their Outrage terminate here, but they murder'd the poor People that they found upon the Roads, and burnt the Country Villages, and all this by the Order of their Court.

We could give him many Instances of this nature, but shall conclude with the barbarous Treatment of *Heidelburgh*, the ravishing of all the young Women of Fashion in the City, after they were promis'd the General's Protection (an Employment that our beastly *Jacobites* about Town had much rather undertake, than storming of Cities.) Can our Author give us an Instance of greater Barbarity than that of turning the Corps of the Electors out of their Tombs, and playing at Foot-ball with their Skulls? And let this audacious Bravado shew us if he can, a more barbarous Persecution by any of the Heathen Emperors against the Christians, than that of *Lewis XIV.* against his Protestant Subjects; which has this one thing in it not to be parallel'd in any of those Persecutions, that then Christians might at any time have sav'd their Consciences with the loss of their Lives: But here they could not, the barbarous Dragoons having Commission not to slay them; but by hanging them up by the Hair of the Head, scorching their Privities with Ponder, &c. tossing them from one another, or beating Drums to keep them from sleep, till they had lost the use of their Reason, to force them to abjure their Religion; or by thrusting the Hostie down their Throats during the height of a Fever, to torment them as guilty of a Relapse when they came to themselves, and bewail'd what they perceiv'd to have been done by the Crucifix, or some other idolatrous Picture being affix'd to their Bed, the very thoughts of which have made some throw themselves headlong from Windows. Nor did their Rage terminate here, but extended it self to the very dead Corps of the Reformed; to which they denied Burial, but either expos'd them to the Dogs, or threw them into Jakes; and would sometimes lay the dead Bodies of Men and Women together in the most obscene Postures, that they might thereby give a convincing Demonstration to all the World that their Church of *Rome* was the *Great Whore* describ'd in the *Revelation*. And add to all this, the Multitudes of the most useful, and as he had several times own'd himself, of the most loyal of his Subjects, driven by those Methods into foreign Countries, instead of depopulating those of his Enemies. And let our Author if he can, give us an Instance of such Barbarity in all its Circumstances: and yet this is the Man, on whose Honour, Piety, and what not, this impudent Fellow makes Declamations; and whose Assistance the demented Crew do court and rely on, to re-establish that which, in spite of Heaven it self, they will call a Church.

The Scribler's next Reflection upon the Arch-bishop, is, 'His turning out of Arch-bishop *Sancroft* from his legal and rightful Possession, in a most violent and barbarous manner. By which he discovers himself to be a barbarous Liar: The whole Kingdom knows that *Sancroft* was legally turn'd out, and the other as legally put in, if the Authority of King and Parliament may be accounted Law. *Sancroft* was more severely dealt with for petitioning King *James*, than ever he was for disowning King *William*; and guilty of a greater Inconsistency in his Practices, than any that this Author can fasten upon Arch-bishop *Tillotson*. The Publick knows that he was the first who sign'd the Prince of *Orange's* Invitation to the City, and that he was the very Person who took the Keys of the *Tower* from King *James's* Lieutenant, which were as real Acts of *Læse Majestatis* as if he had stab'd him to the Heart; and how he could justify himself in doing this, and yet oppose and disown the present Government, let those that are concern'd in his Reputation see to it. But certainly no body can blame this Government for turning one out of such an eminent Post, who had declar'd himself so much their Enemy, when a disowning of the Titles of any of our late Kings would have cost him his Head.

The Scribler, *Page 8.* charges us with 'a Barbarity equal to that of the *French*, 'because of our bombarding *Diep*, &c. without Necessity or Pity: Which, he says, 'was the only Seat left for the Protestants in *France*, and that for every Penny 'Damage done to the *French* by that Expedition, it cost our selves five Shil-

lings. And to demonstrate this he would persuade us, 'that *Diep* was insignificant.

Bombard-
ing of *Diep*
justify'd.

Before our Author can make this appear to be an equal Barbarity, he must prove that we did it after a Surrender upon Articles, and that our Outrage extended to those things that we worship. That the Protestants are allow'd any Seat in the *French King's* Dominions, is what our Author can never make good; and if the Inhabitants of *Diep* were such, they might have been welcome with their Effects aboard our Fleet: But for the *French King's* new Converts, or real Perverts, I don't know that they merit our Consideration, till such time as they give better Evidences of it. However, they were not chain'd to their Houses, and they may blame themselves if they perish'd in their Ruins; but that the *English* Nation has been wanting in their Kindness to the *French* Protestants, either in times past or present, he must have our Author's Impudence that will offer to say it. That the Expedition was necessary is very demonstrable, in order to undeceive the besotted *French*, who are made to believe that their Tyrant was Master both by Sea and Land; but yet more to divert his Troops, and oblige him to a farther Expence of his Treasure, all of which was in a good measure effected: And whatever this Scribler may suggest, there's no Man of Sense but will easily perceive, that the Damage done to his Towns, the harassing of his Troops, and the Charge of the Country in guarding the Coasts, must have done him ten times more Damage than our Charge amounted to.

Then as to *Diep*, which he contemns as insignificant to cover the *French King's* Loss, let him consult the *French* Geographers, and they will tell him that it was a large, strong, and well-built City, defended with a Castle, had a noble Haven, many Churches, fine Market-places, and a considerable Trade both with *England*, *Holland*, *East* and *West-Indies*; being of such consideration, that the Leaguers and Royalists thought it always worth their while to strive who should be Masters of it, and that *Henry IV.* defeated the Leaguers in a great Battel for its Defence.

Ibid. He charges us 'with hanging of Prisoners of War in cold Blood as Pirates, 'by the Pretence and under the Formality of a Law; which he calls the most barbarous Murder under the Sun, to hang a Subject for following the Fortune of his Prince, and fighting under his Commission, having never acknowledg'd the Authority of any other. And the Author of a Pamphlet in defence of this, he calls a Fool and a Knave.

They are
guilty of
Piracy who
act by K.
J's Com-
mission.

In good truth, to use our Author's own Expression, he should never call any Man a Fool or a Knave, but at the same time he should own that he is his Brother. But the Gentleman, the Author of that Pamphlet, deserves no such Epithet; and this Libeller would have done more Service to his Cause to have answer'd that Book, which I suppose to be *Dr. Tindal's Essay concerning the Laws of Nations*, than to rail at the Author in a *Billingsgate* Dialect; but the Party are conscious to themselves that they cannot answer him, and therefore all they can do is to revile him. Or if this huffing Champion think himself fit for the Undertaking, let him answer that one Question, *Pag. 472.* of this Volume; *Why they that seize the Ships and Goods of their Fellow-subjects at Sea, by virtue of the late King's Commission, should not be accounted Pirates, as well as those who should forcibly seize the Goods of their Fellow-subjects at Land by such a Commission should be accounted Robbers?* For if we grant the one, we must necessarily grant the other. But by the way, we have hence some reason to conclude, that the frequent Robberies by which the Publick Roads of the Nation, and other Places, have lately been so much infested, are authoriz'd by the late King's Commission: for the great Numbers of idle debauch'd *Jacobites*, our Author's Fraternity about Town, have been suspected of such Practices a long time; and if they could find any such Counsellors among those who practise in the Common Law, that would undertake to defend them by King *James's* Commissions, as the others found Advocates among the Civilians, we should doubtless have the late King's Commissions for Robbery on the High-way pleaded at *Westminster-hall* in a little time. The Libeller's Instances of the *French King's* Temperament and Humanity, *Pag. 9.* towards *D. Schomberg*, and others of his natural Subjects who were taken in *Piedmont*, in releasing the Duke, and sending none of the rest neither to the Gibbet nor the Gallies, is nothing to the purpose. They were taken in fair Battel, and neither pilfering on the Seas nor High-ways; and to have dealt otherwise with *D. Schomberg*, might have been of ill Consequence to his own General Officers. At the same time our Author seems very ill acquainted with Genealogies, when he reckons *D. Schomberg* a *Frenchman*. And for the *French* Refugees taken with him, we must have better

ter Authority than his before we believe that they were not more severely treated. It's very well known how inhumanly they have treated our Prisoners taken at Sea; and that they have condemn'd some of the Refugees taken at *Brest*, which was a more dishonourable Attempt than to plunder Merchant-Ships: nor are they to be accounted as Traitors who are expell'd the Kingdom, and denied the Privilege of Subjects; but our *Jacobites* have no such Pretence.

Page 9. he upbraids Mr. *Fleetwood* with 'Boyish Ribaldry, because in a Sermon before my Lord-Mayor, he accuses the *French* King, not only of treating Embassadors villanously, but their Masters, &c. There's no body who knows that Gentleman, thinks the Scribler able to teach him Oratory; and the truth of what Mr. *Fleetwood* asserted, has been sufficiently demonstrated already. However, that *Boyish Ribaldry*, as he calls it, is much before his *Billingsgate* Rhetorick with which he attacks the greatest of Princes, Pag. 10. which I come now to consider.

Mr. Fleetwood's Sermon vindicated.

To repeat all the Villain's words, would be certainly as nauseous to the honest Reader, as hateful to my self; and therefore as I have done all along, I shall now only consider the Substance of his rascally Charge, viz. 'That there is a Prince in the World who hath endeavour'd to advance himself by Fraud and Forgery, Perfidiousness and Treachery: Who at his first setting out advanc'd himself to a high Post in his own Country by Perjury, in taking upon him the Office of Stadtholder, which he had swore he would not take, and by murdering two of the best Patriots of his Country for opposing it: Who while he courted the Daughter, was undermining the Father, and laying Trains to deprive him of his Birth-right: Hath ever harbour'd Rebels and Male-contents, to set a peaceable Kingdom in a Flame, on purpose that he might come and make a Prey of it for himself—Who hath so little sense of Publick Faith and Solemn Treaties, that when he thought he had the Advantage, he actually fought an Army with the Articles of Peace in his Pocket.—One that tramples upon all that is Sacred, and the very Neck of his Father to obtain a Throne:—One who proves false even to his Makers and Benefactors; and when he has done his Business by their Assistance, treads them under foot.—One who is so much delighted with Scandals and Defamations upon Great Princes, that he bribes and hires a Company of foul-mouth'd Theologues to recreate him once a Week with all the nauseous Scum and Filth they are able to rake together; and then publishes it to the Kingdom by special Command.

The violent malice of the Jacobites.

Here the Scribler's Malice is rampant, and seems inspir'd by Hell it self. Nor does this part of his Libel deserve any other Answer, than by the Hand of a Hangman at a Cart's Arse: However, this black-mouth'd Libeller may take for a Reply, that the Prince of *Orange* did not assume the Office of Stadtholder, which his Ancestors had purchas'd with their Blood, and that he had been ungratefully depriv'd of it during his Nonage by the *De Wits*, until such time as the States had absolv'd him from his Oath, that he should never take it upon him without their Consent. That one of the *De Wits* was actually accused, and accordingly banish'd by the Court of *Holland* for a Design on the Prince's Life: But the People thinking this Sentence too mild for so horrid a Crime, and being moreover incens'd at the Obstinacy of the *De Wits* in opposing the Advancement of the Prince of *Orange* to the Dignities of his Ancestors, tho it was the only Mean left then to preserve their Country, which fell into the hands of the *French* by piece-meal every day, they look'd upon the *De Wits* as Publick Enemies, and did thereupon sacrifice them to the Publick Revenge: But Malice it self could never fasten the least Suspicion of the Prince's Concurrence with such an irregular Execution of Justice; the whole Tenor of his Life demonstrates that he was incapable of so much Baseness; nor is it consistent with that Magnanimity which he hath always discover'd in the Field, to submit to such an ignominious Method of ridding himself of his Enemies. Designs of this Nature against his Life, have indeed been fix'd on the *French* King and King *James* by *Grandval's* Trial. But who can suspect a Prince guilty of so much Baseness, who hath shew'd an Excess of Clemency towards Criminals, that have been accus'd of Designs against his Life and Government, ever since he came to the Crown?

The King vindicated from the false Aspersions of the Jacobites.

If any body should have but said of Col. *Parker* and others, as they walk'd the Streets of *London*; Lo, there's the *Russians* that design'd to assassinate the King: It would have been next to impossible to save them from the Rabble; and if such a thing should have been done, no body in Justice could have charg'd it upon the King.

As to that malicious Charge of 'his laying Trains to deprive the Duke of York of 'his Birth-right when he courted his Daughter: It smells of so much Rancour and Folly, that no Man but such as our Author would have ever so much as dreamt of. The Duke had no Crown then to be depriv'd of, nor could any body tell that ever he would. His Brother was as likely to out-live him as otherwise; or Queen Katherine might have died, and made room for Issue by another Wife: And 'tis also very well known, that the People of *England* had not at that time any great liking to the Duke's Succession; and the Duke of *Monmouth* was then alive and popular, and might have prov'd a troublesom Rival. So that if the Prince had laid any Train then, it must have been against King *Charles*, D. of *York*, and D. of *Monmouth*, all at once; and he ought at the same time to have had a good Assurance of his Princess's Life, on whose Title he must have founded his Claim. Of the same sort is that other Charge of 'his harbouring Rebels and Male-contents to set a 'peaceable Kingdom on a Flame, that he might make a Prey of it for himself. Certainly he did not advise the late King to set Popish Officers over his Army, and take Jesuits into the Council whether his Parliament would or no; nor yet to seize any of the Colleges for the use of the Roman Catholicks: Much less to grant an illegal Toleration by dispensing with the Laws, and imprison the Bishops for petitioning against it; and least of all, to endeavour the imposition of a counterfeit Prince upon the Nations, so to deprive him and his Princess of their due Right of Succession. Nor, in a word, did he advise him to any of those Grievances which the Convention complain'd of in the Claim of Right; and every body knows, that those were the Things that set the Nation in a Flame, and not the Prince's entertaining any of those that fled over to *Holland* from the Anger of the Court, because of their opposition to such Practices.

Pr. of O.
no breaker
of Treaties.

Then for 'his Violation of solemn Treaties, by fighting when he thought he had 'an Advantage, tho he had the Articles at the same time in his Pocket. The Libeller has nothing for this but common Fame; but the Baron de *Maurier*, who hath writ an Account of his Life, amongst those of the other Princes of *Orange*, and brought it down to that Period, says in plain Terms, 'That the Prince having oblig'd the Duke of *Luxemburgh* to retire, was consulting how to throw Succours 'into *Mons*, when word was brought him that the King of *France* and the States 'General had accommodated all Differences. So that the Prince had fought the Duke before he had the News, according to this Account; and the Treaty betwixt *France* and *Spain* was sign'd on the 17th of *September*, but after the News of this Battel. Nor have we any reason to think that the Baron, who was a *Frenchman* and *Roman Catholick*, would be too partial in favour of the Prince, especially if such a thing could have been justly charg'd upon him. But suppose it had been so, the Prince's Authority as Stadtholder, his Interest in the Provinces, where in some places he is absolute Sovereign, and the Confederacy would carry him beyond the reach of this malicious Imputation; for if the *Dutch* were base or unjust to patch up a Peace without including their Allies, it sets off his Magnanimity and Justice with the greater Lustre, that he shew'd his Aversion to consent to it till the rest of the Allies did.

As for 'his trampling upon all that's Sacred, and the very Neck of his Father, 'to obtain a Throne: The Author does manifestly declare War against all that's Sacred by saying so. Enough has been said already to justify his Proceedings in relation to his Father; and the World knows, that he was invited to the Rescue of our Liberties and Religion; and was so far from usurping the Crown, that it was the Peoples Free-gift when his Father had both deserted and forfeited his Right to it.

Vindicated
from In-
gratitude.

The next part of the Charge is, 'That he proves false even to his Makers and 'Benefactors; and when he has done his Business by their Assistance, treads them 'under-foot. What this Scribler means by his Makers and Benefactors, we are not solicitous to enquire; but the People of *England* are far from thinking that he treads them under-foot, their Privileges being better secur'd in his Reign, than in any since Queen *Elizabeth's* Time. And as for the invidious Instance alledg'd by this Author, he may in his next pitch upon one more proper if he can: for no body will blame his Majesty if he prefer Men according to their Merit, and pass over such as have not persevered in their Loyalty, but taken Measures contrary to his Interest. But one would think that this malicious Pamphleteer might have forbore this Reflection, and not upbraided his Majesty with his exuberant Clemency to-wards

wards his Enemies; which is the only thing in his Administration that ever his Friends conceiv'd any Displeasure at.

Then as to 'his hiring and bribing foul-mouth'd Theologues, to recreate him 'once a Week with Scandals and Defamations upon Great Princes. 'Tis only the Froth of this Villain's Malice; the hardest Character that any of our Divines have given the *French* Tyrant, may be sufficiently justify'd from his Practice. And as to his slovenly Reflection on his Majesty, for ordering such Sermons to be publish'd by his Special Command, as display the *French* King's Tyranny, and justify the War against him: He might have remembred a Time when King *Charles* the Second countenanc'd a severe Libel against the *French* King, call'd *Christianissimus Christianandus*: Nor is it any unusual thing for Princes to countenance the Defence of their own Cause, either from the Pulpit or the Press. And tho there's nothing said of the *French* King in any of those Sermons that the Libeller quarrels at, but what is known to be Truth, and agreeable enough to the Rules of Decorum; yet if it had been otherwise, his Majesty might have as well been justify'd to countenance that, as *Lewis* the Fourteenth can be to have countenanc'd those barbarous Rejoicings which were made all over his Dominions, upon the false Report of *K. William's* being kill'd in *Ireland*.

Preachers
before the
King vin-
dicated.

Our Author is very angry at the late Arch-bishop, because he upbraids the *Jacobites*, that they cannot see Providence, and the Arm of the Lord, which hath been made bare amongst us of late; and that he tells them likewise of the Smallness of their Numbers: And thinks it a sufficient Confutation to tell him, that to argue from Prosperity and Success, is a *Turkish* Argument; but never considers at the same time, that it is the great Argument made use of by *Lewis XIV.* in all his Romantick Proemiums to the Orders which he issues to the Arch-bishop of *Paris* for *Te Deum*, upon any Prosperity which attends him. But to come nearer our Author; It may very well pass for a Sign of Judicial Blindness, amongst any who call themselves *Protestants* at least, to be engag'd in the Interest of the *French* King, the sworn Enemy of our Religion, who hath evidenc'd a greater degree of Hatred against it, and hath been more assiduous in his Endeavours to root it out, than any Prince in *Europe* since the Reformation. Nor is it a less Evidence of Blindness for any who are of the Reformed Religion, to show themselves zealous in their Wishes, or earnest in their Endeavours for the Re-establishment of the late King; who when a Subject did discover so much implacable Rage against those who were either Patriots of our Civil Liberties, or zealous Assertors of our Religion; that he left no Means unattempted to accomplish their Ruin, nay, appear'd to be the Head of a most horrid Plot against our Laws and Religion; and when advanc'd to the Throne, prov'd the most ungrateful of all Men alive to the Church of *England*, who had rais'd him to that Dignity; insomuch that, contrary to his repeated Promises and Coronation-Oath, he went directly about to overturn her, and did by his pretended absolute Authority, cancel and annul all the Laws establishing the Protestant Religion in our neighbouring Kingdom of *Scotland*, as he did by his Dispensing Power render the Laws ineffectual for preserving it in *England*; and by putting the Government in the hands of Papists, endanger the total Subversion thereof in *Ireland*. But the blindness of such Men will still appear to be greater in wishing and endeavouring his Return, when at the very last he witnessed such an implacable Hatred of our Religion, that rather than fail of Means to effect its Ruin, he would give way to the unnatural Imposture of a supposititious Prince, who might be bred in the *Roman* Idolatry, to hinder his own Protestant Children from coming to the Crown. But that which speaks them to be still more blind, is, that they endeavour his Restitution by the Arms of the *French* King; which must be unavoidably attended with the Ruin of our Nation and Religion, that Prince being an irreconcilable Enemy to both.

Further
Vindication
of ABp Til-
lotson.

And that the Arm of the Lord was made bare amongst us in the late Revolution, can admit of no dispute with those who are not resolv'd to shut their Eyes: for who can reflect without wonder upon the signal Appearances of God at that Juncture, when nothing but imminent Ruin appear'd to threaten our Religion on all hands, when *Lewis* the XIV. and *James II.* its two most irreconcilable Enemies, seem'd to be cloth'd with so much Power, as there was no possibility to resist them? And yet when there was no visible strength left, that God should raise up a Prince related to them both, and the Representative of a Family that had been made use of to put a stop to the impetuous Current of Popery and Slavery in the preceding Age, to overturn their Designs with a handful of Men, and land in *England* on that

Providence
vindicated.

that very day whereon we had about fourscore Years before been deliver'd from the *Gunpowder-Treason*, and in a Revolution of time of the same Denomination with that wherein we had been deliver'd from the *Spanish Invasion*. Then if we consider what was the posture of Affairs at home, Protestants divided amongst themselves, King *James* at the Head of a numerous and well-appointed Army, with his *Irish* Regiments in whom he put so much Confidence, and not one to move a Hand against him, that God should all of a sudden inspire the Nation to rise up in Opposition to him, tho the Doctrine of Passive Obedience had been inculcated upon them as a Point to be believ'd on pain of Damnation for thirty Years before; certainly these are Providences so remarkable, that Heav'n it self seems to point them out to our Observation. Nor were the Revolution in *Scotland*, and the Recovery of *Ireland* less to be taken notice of: nor can we overlook the *French King's* being so much infatuated in his Measures and Counsels, that instead of invading the *Netherlands*, to prevent the Prince of *Orange's* Descent, he should fall upon the *Palatinate*; and instead of supporting the *Scotish* Rebellion, which might have prov'd very dangerous, as being upon the *Terra firma*, where our Malecontents could easily have join'd them, he should have spent so much Blood and Treasure in *Ireland* to so little purpose.

The late
Queen vindicated.

The Libeller's Observations of the Queen's being taken sick and dying in that same Month when her Father labour'd under an unnatural Rebellion, and about that same Hour that he went from *Feverham*, and her being cut off in the midst of her Days according to the Punishment threaten'd to the Breakers of the fifth Commandment, are so very forc'd and uncharitable, that they cannot be entertain'd by any but those of an over-grown Malice like himself.

The Prince landed in *England* on the 5th of *November*; her Majesty did not sicken till about the 20th of *December*: And as for her dying in a Month wherein her Father labour'd under an unnatural Rebellion, the Libeller might have said so whatever Month she had died in; for, according to his Principles, the Rebellion must continue still, or did at least continue until *Scotland* and *Ireland* were reduc'd. And as for her lying in State in *February*, the Month wherein she was proclaim'd, it's no more to his purpose than if it had been in any other Month of her Reign; as that when the late King was defeated at the *Boyne*, or the *French* Fleet burnt at *La Hogue*. The Libeller may also remember, that she lay in State some part of *March*; so that he must likewise find out some Observation for that. And as for her being cut off in the midst of her Days, there's much more reason, and it were far more Christian to say that she was cut off for our Sins, and taken away from the Evil to come; and that as the Almighty gave us the Father in his Anger, he took the Daughter away from us in his Wrath; than to charge a Personage of her Piety and Vertue with such an uncharitable Imputation as a Breach of the 5th Commandment: especially considering that she ow'd more to her Religion and Country, in defence whereof she took the Crown, than to her Father, tho ever so kind, and much more than to a Father who made so much hast to destroy both our Religion and Property, and to intail Idolatry and Slavery upon us; who became so unnatural as to concur with the Imposition of a Counterfeit Child, to deprive that excellent Princess and her Sister of their Right.

Further
Vindication
of the Arch-
bishop's
Sermon.

He is angry with the Bishop, *Pag. 11.* for saying, that 'if the necessary Defence of the true Religion, against an idolatrous and false one, be a good Cause, then ours is so.' And this he calls *Alcoran* all over, to talk of propagating Religion by the Sword. And adds, *Pag. 12.* that God never gave Authority to a Foreigner, especially one that was no Sovereign Prince, to call another Prince to an account for his Religion, much less to make War upon him on that account; and that neither God, nor our Laws, ever gave Subjects the Power of the Sword to defend themselves and their Religion by Arms, and down-right Rebellion. Our Author's Head is so full of malicious Vapours, that he cannot distinguish betwixt defending of Religion when it is establish'd by the Laws of the Land, and propagating Religion by Arms: But does not he know that the God of his Party, *Lewis XIV.* destroys the Protestant, and propagates the Popish Religion by force of Arms every day as far as he can; and not only so, but joins with the Turks to assist them to propagate their *Alcoran* by the same Methods? Or does he not remember that his own Party were for propagating the Religion of the Church of *England* upon that of *Scotland*, in King *Charles* the First's time, by force of Arms? and upon their Neighbors in *England* by force of Fines, Jails, and Death it self in some Cases? Certainly if he had reflected upon these things, he would have let this part of his Charge alone.

In the next place he may take notice, that the Prince of Orange is a Sovereign Prince; and being Son and Husband to an *English* Princess, and thereby having a Title to the Crown, can scarcely well be accounted a Foreigner: and that he came not to call his Father to an account, nor to make War upon him for his Religion, but to preserve our Religion and Liberties, and his own and his Wife's Title to the Crown. And as for the Lawfulness of the Peoples Concurrence with him in that Design to which they had invited him, he ought to have answer'd the Treatises writ in defence of their Practice, before he had taken upon him so magisterially to call it a Rebellion. And as for his Argument, *Of our Saviour and the Apostles enjoining Obedience to the Powers of their times, tho neither their Title or Administration could be justify'd in all respects*; he had best take care that he don't thereby support Dr. Sherlock's Hypothesis, for a Providential Title: for whatever way Princes come by the Sovereignty, if once the People submit generally to their Government, it will put our Author hard to it to prove that the Subjects ought to deny Obedience to their lawful Commands. But he may be pleas'd to take notice of this Difference betwixt our Case and that of the Christians in those times, that our Religion is establish'd by the Laws of the Land; according to which our Princes are sworn to govern, and the People the like to obey: So that if the Prince violate his part of the Compact, and endeavour a Subversion of our Laws and Religion, the Question is, Whether he does not thereby absolve the People from their Allegiance to him, if either they or their Representatives find themselves under a necessity to assert their Liberties? But there was no such Settlement of the Christian Religion in the primitive Times, it being no where the national Profession; nor were their Princes under any Obligation to the People to maintain it.

The Libeller is very angry, *Pag. 13.* because the late Archbishop said in his Sermon, 'That many among us have made the most unworthy and unthankful Returns to his Majesty that ever were made to so great a Benefactor; and asks scoldingly, Whether the Jacobites should be thankful for being turn'd out of their Places?' And instances in Archbishop *Sancroft*. — If this Man had the free Exercise of his Reason, he would find that the Jacobite Clergy at least owe the loss of their Benefices wholly to themselves, because of their disowning his Majesty's Title; and that no body can blame a Government for turning out such, as having the Conduct of the Peoples Consciences, must needs, if they pursue their own Principles, influence them to Rebellion: and that there are too many among us guilty of unworthy Returns to so great a Benefactor, is but too evident as to the Non-jurant Bishops, some of whom having not only concur'd, but being among the principal Instruments of the new Revolution, it was the height of Ingratitude to turn their backs upon a Prince who had so gloriously rescu'd that Church, for which they valu'd themselves as Confessors, when they suffer'd for petitioning King *James*, or any other opposition to the Methods of those times: and that too many others, who call themselves Protestants, and do even comply with the Government, have been manifestly ungrateful to a Prince who risk'd his All to save their Religion and Liberties, is but too apparent.

P. 14. His Choler boils over against the Family of *Nassau*, and the late Archbishop for saying, *That there never was a Family on Earth so much honour'd, to give a Check to all the aspiring Monarchs of the West, and bold Attempters upon the Liberties of Europe; as if the Princes of this valiant and victorious Line, had been of the Race of Hercules, born to rescue Mankind from Oppression, and to quell Monsters.* This is so very bitter to our Author, that it makes him vomit his Gall, and he will have this Family to be so far from quelling, that it breeds Monsters; and pretends that what the Archbishop had said of this Family, derogates from Queen *Elizabeth*; and that it would have been truer if the Archbishop had said, *That they had been concern'd in all the Revolutions of Europe, and sometimes fought, and sometimes fled, as they found Occasion.* This Libeller having declar'd open War against Sense and Reason, is prepar'd to take a Dose of Transubstantiation. Did not *William* Prince of *Orange* oppose the Tyranny of the *Spaniards* in the *Netherlands*, long before he had any Assistance from Queen *Elizabeth*; and should he not, as the first Instrument, have the chief Glory? Or because the Bishop gave what was due to this Prince, than whom all Antiquity can't produce a greater Hero, must he needs rob Queen *Elizabeth* of hers? Is it any Diminution to the Honour of this Prince, or the States, that they were brought under by Oppression; or does it not rather heighten their Fame, and eternize their Courage, that they should in such low Circumstances have adventur'd to oppose the Tyranny of the greatest Monarch in *Europe*? And does not this

Further
Vindication
of the Arch-
bishop's Ser-
mon, and the
Family of
Nassau.

this Libeller know, that the *Dutch's* blocking up the mouth of the *Scheld* with their Men of War, and preventing the Prince of *Parma's* invading of *England* in concert with the invincible *Armado*, contributed not a little to the Ruin of the *Spaniard*? Let him instance so many Champions for the Liberty of *Europe* and the Protestant Religion in any Family of *Europe*, as this of *Nassau* has produc'd, if he can; and then, and not till then, ought he to upbraid the Archbishop for saying so. As to his villanous Reflection of this Family's having rather bred than quell'd Monsters, that glorious Prince, whom this foul-mouth'd Libeller would hereby calumniate, will be celebrated as an Hero in the Records of Fame, when the Memory of this Varlet, and those whose Cause he maintains, will justly intitle them to the odious Character of the worst of Monsters: And as for the Valor of this Family, which he does so impudently reflect upon, all the Histories of *Europe* do give him the lye—— And whereas he says, That this Family hath not yet quell'd the *French King*; he may take for answer, That they are in a fair way towards it, he hath been brought to sue for a Peace oftner than once; he is forc'd to draw his Fleet behind Barricado's, and his Armies under the Protection of Lines, while his Sea-Towns have been bombarded, and he could not prevent it, and his Reputation amongst his Neighbours declines every day, so that our Libeller and his Faction may perhaps see him quell'd sooner than they are aware.

The late Q.
and ABp
vindicated
against the
Railing of
the Jaco-
bites.

The Remainder of his Venom is spent against the late Queen of blessed Memory, and the late Archbishop: The Sum of the Libel is, *That he does not call the late Queen's Vertue in question, but whether she was a lawful Queen; that none of the Divines say any thing to prove the Lawfulness of being a King and Queen de facto, but plead only for the Lawfulness of obeying such; that by this time all the World is satisfied as to the Legitimacy of the Prince of Wales; that if the matter had been just, there had been no need of the Queen's being thrust into the Throne, as Dr. Sherlock says, nor griev'd at the occasion of taking the Government, and glad at resigning it.——That it is not lawful for Children to seize the Inheritance of another Prince, thrust their Parents from the Throne, and stigmatize an Infant Prince, contrary to their own Knowledg, as supposititious.——That the Doctor's saying, she was willing to hazard her good Name in the World to preserve her Country and Religion, shews that the thing was not very reputable.——That those who have preach'd her Funeral Sermons, don't give us her death-bed Sentiments of that Affair, but do industriously conceal them.*

The late Q.
a lawful Q.

We are glad that Malice it self can fix no blot on the Queen's Vertue; had such a thing been possible, this Libeller would certainly have done it, for the Devil himself, who is call'd the Accuser of the Brethren by way of Eminence, is not more malicious than he. But methinks it savours something of a Contradiction, to grant the Queen to be vertuous, and at the same time to accuse her of thrusting her Father unjustly from the Throne, seizing on her Brother's Inheritance, and stigmatizing him as supposititious, contrary to her own knowledg. But to come to the Particulars of the Libel: The Author may deny, and we may assert her to have been a lawful Queen *in infinitum*, without ever coming to any issue, except we examine the Arguments *pro* and *con* impartially; and seeing they who hold the Affirmative, ought to make the proof, we refer him to the *Bibliotheca Politica*, and other Treatises upon this Subject; and until he can answer what is alledg'd on our side for the Lawfulness of the present Government, he may forbear his Invectives against it: for it does not import, whether the Lawfulness of the same be prov'd by Clergymen or others, so it be but prov'd. — *As to all the World's being satisfied in the Legitimacy of the Prince of Wales, and the King and Queen stigmatizing him as supposititious contrary to their own knowledg,——* The Propositions contain so much Falshood and Malice, that they can scarcely be outdone by him who was the Father of Lies, and a Murderer from the beginning. Does our Author think that those fulsom Depositions after the Prince of *Orange's* Design was known, have convinc'd the World of that pretended Prince's Legitimacy; or does he think, that such Evidence as that, part whereof may be very consistent with an Imposture, and the other part sworn by such as had their dependance on the late King, and were known to have prostituted their Consciences to the Court, is sufficient to satisfy the World? What account can our Author give, that there was not as much pains taken to satisfy the World of the Queen's Pregnancy and Birth, when if it had been real, it might have been uncontrovertably prov'd by unexceptionable Evidence, as there was to prove the Birth afterwards? Would it have been any thing more inconsistent with Majesty to have condescended to give satisfying Evidence of a thing that was so vehemently suspected beforehand, than to submit to give unsatisfactory

Reflections
on the Birth
of the pret.
P. of W.

satisfactory and exceptionable Proof of it afterwards?—Suppose the Queen's Pride would not give way to it, was she not a Subject that could have been commanded by the King her Husband? Or if he had been loth to thwart her in that Condition, might he not have had such Evidence present at the time of her Labour, without her previous Knowledge, as the Nation would have given credit to? Would it have been any thing more derogatory from her Modesty to have been brought to bed before such Evidences as these, than it was for an Empress to be deliver'd on a Stage in the middle of a Camp, because her Pregnancy was suspected on account of her Years? What Reason can our Author assign, why the Examination of that Affair was not submitted to the Parliament, as the Prince of Orange desir'd? Why the two Ladies, appointed to be Witnesses of the Birth by the Princess of Denmark, should not have been sent for till the time was past? Why the pretended Evidence, who were most particular, should have been carried into France, out of the reach of Examination? How can this Libeller say, that the Princess did stigmatize her Brother as supposititious, contrary to her own Knowledge? Was she present at the Delivery, or had she any Deputies present for her? Did this Author never read of Queen Mary's Design to impose upon the Nation in like manner, and on the same account, viz. to entail Popery upon us? And why should we think that Mary of Modena was less zealous for her Religion than Mary Tudor? Is there not a Cheat of the same nature, and manag'd in the same manner, mention'd in Sinderfin's Reports, Temp. Car. 2. fol. 377. of a Woman pretended to be deliver'd within bed by a Midwife, and yet the Imposture discover'd afterwards by the Deposition of the real Mother and the said Midwife? Now what can our Author say in opposition to those Presumptions of a Cheat, and why the Prince and Princess of Orange ought not to have been satisfied as to their Scruples about it; but instead of that, that the principal Evidence should be carried whither there cannot be any access to examine them? The chief thing they have to say, is the late King's own Evidence; but besides that, he cannot be look'd upon as impartial in the case. Why should we think that the Church of Rome, that could dispense with his Coronation-Oath, by which he was oblig'd to govern according to Law, and preserve the Church of England, whereas he did plainly attempt the Subversion of both; I say, why might not the Church of Rome as well dispense with him to swear falsely in this case, as to break his Oath in the other, seeing both were for the advantage of the Catholick Cause, and yet that bigotted Prince might think he was doing God good Service all the while? For it's very well known, that the Breach of Faith, and the most barbarous Murders and Massacres are esteem'd hallow'd means by the Church of Rome to accomplish her wicked Ends. No body can doubt this, who has ever seen the Pope's Chappel, where the French Massacre was represented, and the Admiral thrown out at the Window with these words at bottom, *Pontifex Colinii necem probat*: And indeed the Present to the Lady of Loretto by the Queen's Mother, and the King's Pilgrimage to St. Winifred's Well, to usher in this Pregnancy, gives the face of a studied Popish Cheat to the whole Affair.

That the Queen's being sorry at the occasion of taking the Government, and glad at resigning it, discovers any uneasiness of Mind as to the Lawfulness of what she did, is a very wild Inference. She was no doubt, and might be griev'd at her Father's Unhappiness in forfeiting his Throne, and yet think it lawful enough for her (tho at the same time unwillingly) to accept it for the Security of her Country and the Protestant Religion; and she might be sorry at the occasion of her entering upon the Administration from time to time, which was the King her Husband's going beyond the Sea to hazard his Life, and glad to resign it to him again, when he return'd safe from such eminent Dangers, without finding her Conscience uneasy for swaying the Scepter that had been her Father's.—Nor does her hazarding her good Name in the World infer Guilt, or the engaging in an Affair that was not reputable, any more than the Apostle's resolving to follow Christ thro good Report and bad Report, infers, That to be a Christian was not reputable, because some Men thought so.—That those who have preach'd Funeral Sermons on the occasion of her Death, do industriously conceal her Death-bed Sentiments, as to her taking her Father's Crown, is a groundless and malicious Forgery. It is very well known, and the Bishop of Salisbury in his Essay on her Memory, hath now printed it, That she Bp of Sal- weigh'd the Reasons she went on in that Affair with a Caution and Exactness that became rum's Cha- the importance of them.—She had generous Notions of the true End of Government, racter of the late Q. and thought it was design'd to make Mankind safe and happy, and not to raise the Power of those, into whose hands it was committed, upon the Ruins of Property and Liberty: Nor could

could she think that Religion was to be deliver'd up to the Humors of misguided Princes:— Yet after all, her Inclinations lay so strong to a Duty that Nature had put her under, that she made a Sacrifice of her self in accepting that high Elevation, that perhaps was harder to her to bear, than if she had been to be made a Sacrifice in the severest sense; she saw that not only her own Reputation might suffer by it, but that Religion too might be concern'd in those Reproaches that she was to look for.—— But that being the only visible Means left to preserve the Protestant Religion, not only here, but every where else, she was thereby determin'd to it. So all this being consider'd, there's no reason to think that her Conscience should accuse her on her Death-bed, for doing that which she found her self oblig'd to by its own Dictates, after a cautious and exact Enquiry into the Affair.

I had almost forgot to take notice of one rascally Insinuation of the Author's, viz. That the Preachers had secret Instructions from Court, to represent the Throne to have been so uneasy to the Queen, that the Princess of Denmark might be thereby deter'd from pursuing her Claim. This is all of a piece, and a Forgery that is not so much design'd to serve the Princess of Denmark, as to stir up Mischief and Sedition: But this malicious Scribler may take notice, that the Princess of Denmark was precluded as to her Claim during the King's Life by an Authority, that as they had a Right, were both willing and able to justify his Title against all Enemies at home and abroad; so that there was no need for his Majesty to have recourse to such silly Methods as could never enter into the Head of any man, except such a mean-spirited Fellow as this Libeller doth evidence himself to be.

The Substance of the Jacobites Letter to the present ABp.

There's another Pamphlet in form of a Letter to the present Archbishop of Canterbury; the principal Scope whereof is to libel him for not endeavouring to make the Queen sensible at her death of the Injury which the Author alledges she had done to her Father and Brother. The Stile of it is indeed much modester than that I have just now dispatch'd, but the Design is the same; and tho the Voice be Jacob's, the Hands are Esau's. We have already seen how little reason there was to insist upon that Subject to the Queen, who had so deliberately weigh'd, and was so fully satisfy'd as to what she had done: Nor can there be a Cause assign'd, why any such thing should have been expected of the Archbishop, whose Post declares him not to be of the late Archbishop Sancroft's Principles, to disown the present Government; and therefore it was highly unreasonable to expect of him, that he should go about to instil Principles into the Queen which he does not maintain himself. There's one Topick which all these Pamphlets insist mightily upon, viz. That such and such Men have formerly writ and preach'd contrary to the Principles and Practices which they now own; as if it were altogether unlawful for a Man to change his mind, or yield to the force of Argument. Did not St. *Augustin* write a Book of Retractions? And is it not known, that both General and Particular Councils, and whole National Churches have been mistaken in Points now and then? And is it impossible for a Part or Party of the Church of *England* to be in a mistake, that they make such a noise with their *Argumentum ad hominem*? But the Case is plain: The Author of that Letter could never think that the Archbishop would be convinc'd by his Oratory without any Arguments; and therefore seeing that he could have no prospect of convincing him by that method, we have reason to conjecture, that the principal Design of that Pamphlet was to fasten a Calumny upon him, and therefore deserves no regard.

A DISCOURSE about raising Men;

Printed in
1696.

In which is shewed,

That it is more for the Interest of the Nation that the Parishes should be oblig'd by Law to provide Men for the Service of the War, than to continue to raise 'em in the ordinary Way: And all Objections are answer'd; and particularly that Popular one, viz.

That this way of raising Men is a Violation of Liberty and Property.

THE Continuance of the present War with *France* so many Years, has made it very difficult, and almost impossible for the Officers of the Army to raise Recruits, and forc'd 'em upon those illegal Methods which have been so much complain'd of, and which they were as unwilling to make use of as the Nation to bear; for if we consider the vast Trouble and Charge they are put to, to get Men, 'tis certainly their Interest, as well as the Publick's, that Recruits should be provided by Publick Authority for his Majesty's Service, and the Country be oblig'd by Act of Parliament, to furnish the Bodies of Men, as well as Mony, for the carrying on the War. It cannot be deny'd, but great Disorders have been committed in raising of Recruits; Men have been trepan'd and forc'd away in a very illegal manner, and often too such that were sober and industrious, Men of Trades and Callings, that were useful and necessary where they liv'd, and taken away with as much grief to their Neighbours, as idle and disorderly People were left behind. These are, no doubt, great Grievances, and as prejudicial to the Nation as they are illegal: But how shall they be prevented? Men are not to be had without Tricks and Force, nor, as matters now stand, have the Officers, if they were ever so willing to do it, any power to pick and chuse, and distinguish who are fit to be taken and who not, but must take whom they can get, fit or unfit. This is the true state of the Case, and therefore since Men must be had, and no War can be carry'd on without the Bodies of Men any more than without Mony, what is now done by Force, and is therefore illegal, ought to be done by Law: And what is now done in a careless, loose, undistinguishing manner, and is therefore hurtful to the Nation, ought to be regulated, and put into such a method, that the Choice of Men for Recruits might fall wholly upon idle disorderly Persons, of whom there are more than enough in the whole Kingdom to recruit the Army every year, as long as the War shall last. If the raising Recruits were manag'd in this manner, it would not only be no Prejudice, but a great Advantage to the Nation, and have the same good effect upon it that Physick has upon the Body, when it carries off its ill Humors. If all the Parishes in *England* were oblig'd by a Law to furnish Men, the Army would be much better recruited, his Majesty's Service better perform'd, the Charge of raising Men, which is now very great, and lies very heavy upon the Officers, would be much lessen'd; all the Disorders and Abuses, committed hitherto by the Officers in raising of Men, would be wholly prevented, the Parishes themselves freed from several idle and disorderly People that are a Burden to 'em, the

*Difficulty
of raising
Men.*

*How Disorders
are to
be reme-
dy'd.*

*Parishes to
furnish men.*

Ordinary
way abused.

Justices of the Peace eas'd of the trouble of committing 'em, and the Goals and Houses of Correction of keeping and punishing 'em, In short, it seems upon all accounts to be very much for the Interest both of the Army and Nation, that this way of raising Men should be made use of rather than the ordinary Method, which is so very chargeable, has been so much abus'd, and is now become scarce practicable any longer, at least not without being still subject to those Abuses which have given occasion already to too many, and too just Complaints, to be any longer suffer'd. Whereas the way here propos'd, if it were settled by Act of Parliament, does easily and effectually remedy all those Inconveniences; and which ever way 'tis consider'd, has so many Advantages in it in all respects, that next to the Acts for raising of Mony, no Law can be more for the Publick Good, nor more indispensably necessary in the present Conjunction of this War: but how necessary soever, or how much soever for the Publick Good such a Law may seem to me to be, others are of another Opinion, and I have heard several plausible Objections made against it; which I will endeavour to answer.

'Tis objected against this way of raising Men,

- I. That 'tis Impracticable.
- II. That 'tis subject to great Abuses in the Execution.
- III. That it would carry too many Men away out of the Country.
- IV. That it would make the Officers careless of their Men.
- V. That 'tis a new thing; and we do not care for Novelties in England.
- VI. That 'tis a Breach of our Liberties and Properties, a violation of the Freedom of the English Nation, one of the Arbitrary Methods of the King of France, which 'tis not fit to imitate in England.

I am sensible the Reader may think some of these Objections too weak to be taken notice of; but he may be pleas'd to consider, That weak Reasons carry away weak People, which are often the Majority in the World, and are therefore worth disabusing.

The First Objection is, *That 'tis impracticable.*

The Method
propos'd
practicable.

But why it should be so I cannot conceive: Why may not the King be empower'd by Act of Parliament, whenever he wants Men, to send an Order by the Sheriff to every Parish, to assemble together, as they do when they assess Parish-Duties, and with the assistance of one or two of the neighbouring Justices of Peace chuse such a Person by the Majority of Voices, as shall be qualify'd according to the Act of Parliament, and send the Constable to seize him and bring him before 'em; and having given him the Oath of Fidelity, send the Constable immediately away with him to the County-Town, to deliver him into the hands of such Officers of the Army as his Majesty shall send thither to receive and take care of all the Recruits that are rais'd in that Country? All this seems to me to be very practicable, and as easy as the appointing Commissioners and Receivers in every County for the raising the Land-Tax.

Abuses prevented.

The Second Objection is, *That this way of raising Men is subject to great Abuses in the Execution.* If the choice of Men for Recruits be left to the Parishes, they will no more mind than the Officers do who can best be spared out of the Country and who not, but will chuse any body they bear an ill will to, or that has the fewest Friends among them, or perhaps the least Mony to make Friends: there are generally one or two leading Men in every Parish who govern all the rest, and make 'em do whatever they have a mind when they meet together about any Business; and whomever these Men have any spite against or difference with, they will be sure to make the Choice fall upon them, and pack 'em away to Flanders: so that there will be as great Abuses committed, if the Parishes chuse Men, as when it was left to the Officers to take whom they could get.

In answer to this, I must confess 'tis true, and 'tis pity it is so, that all Assemblies of Men, from the highest to the lowest, are more or less subject to Partiality and Corruption; but the ill Effects of 'em may be in a great measure, if not wholly prevented in this Case, by these or such-like Directions or Limitations in the Act of Parliament.

Directions
propos'd to
prevent Abuses.

1. That if there be any sturdy, wandring Beggar, Fortune-teller, or the like idle, unknown, suspected Fellow in the Parish, that cannot give a good account of himself, he shall be taken before any body else.

2. That

2. That if there be none such, then any one that has been already in a Goal, or House of Correction, shall be next taken.

3. If there be none such, then any one that has been often complain'd of, and been before a Justice of Peace for his idle disorderly Life, shall be chose next.

4. That no married Person or Widower, that is left with a Family of Children, shall ever be chose, unless it should so happen that they are such notorious incorrigible Rogues (as some such there may be) that the Parish had rather maintain their Wives and Children than be troubled any longer with them.

5. That one or two Justices of the Peace, who live in or near the Parish, and for that reason must needs know who are the troublesome disorderly People in it, and fittest to be sent away, shall always be present when the Choice is made, to take care that it be made according as the Act of Parliament shall direct; and if it be not, to declare it void and make 'em chose again.

I am satisfy'd that such prudent and particular Directions and Limitations might be thought of, if this Matter came to be consider'd in a Committee of Parliament, that would be sufficient to hinder any ill Practices in this way of raising Men; whereas, I confess, if the Parishes be left to their own Discretion to chose and send away whomever they shall think fit, they would perhaps in a little time be as much complain'd of as the Officers have been, and give as great occasion for it.

The Third Objection is, *That by this means too many Men would be carried away out of the Country, and the Gentlemens Lands be thrown into their hands for want of Tenants.* Object. 3.

This is an Objection, which if it were true, does indeed extremely concern the Country Gentlemen; but I hope they need be in no fear about it: For tho perhaps this Year, because of the Siege of *Namur*, there may be more Men wanted than ordinarily; yet one Year with another, his Majesty does not want above three thousand Recruits for the *English* Troops; and in *England* there are above nine thousand Parishes, so that it would come to a Parish's turn to find a Man but once in three Years; which I suppose is not very likely to dispeople the Country, let the War last as long as it will. Answer'd.

The Fourth Objection is, *That this way of raising Recruits will make the Officers careless of their Men; the Charge and Trouble they are put to to get Men, makes 'em look after 'em when they have 'em: but if they are provided ready to their hands, they will take no manner of care of them, and lose more Men by half, both by Desertion and Sicknefs, than they do now.* Object. 4.

This Objection is grounded upon a plain Mistake: for tho the Officers will be a little eas'd, as 'tis fit they should, they will be still very far from having all Charge and Trouble wholly taken off their hands; for if their Recruits be deliver'd to them at the County Town (and thither is far enough to oblige the Parishes to send them) the Trouble and Charge of marching them from thence into *Flanders*, will be enough to oblige them to take care of them, and look after them as well as they did before. Answer.

The fifth Objection is, *That this is a new Thing, and we do not care for Novelties in England: We are in a Road, and we will not leave it; we had rather bear with some Inconveniences, than be troubled with a Thing we are not us'd to: Besides, we do not know what the Consequences of it may be, it's a thing has never been yet practis'd in England, no body knows what ill Effects it may have; new Projects are always dangerous, and no Good ever comes of them.* Object. 5. From the Novelty.

In answer to this Objection, I desire to know why we may not make use of a new Way of raising Men as well as of raising Mony; the Annuities for Lives, the Million Lottery, the Taxes upon Christnings, Marriages and Burials, are all new Ways of raising Mony, and never before practis'd in *England*: And yet being judg'd useful in our present Circumstances, their being New was not thought a sufficient Reason against them; nor indeed ought to be against any thing, for nothing is worse for being New, if it have no other Defect or ill Quality in it. There are abundance of new Things, too many to name, found out and brought into use almost every Day, from which the Nation receives great Advantages. In short, to quarrel with a Thing merely because it is New, is a very peevish childish Humor, or rather the Humor of an ill-natur'd Cur, that snarls and barks at all Strangers he meets, for no other Reason but because they have new Faces. As to what is said, or

or rather prophesied, of I know not what ill Consequences and ill Effects that this Way of raising Men may have, I cannot for my part foresee any, nor imagine what they should be; but this I am sure of, that if any should happen hereafter, that are not now within view, they can never do much hurt, since the Parliament meets now every Winter, and must meet every three Years after the War is over, and may alter or wholly abrogate the Act as they shall think fit, if it should prove any way hurtful or inconvenient to the Nation.

Obj^{ct}. 6. The sixth Objection is, *That this way of raising Men is a breach of our Liberties and Properties, a violation of the Freedom of the English Nation, one of the Arbitrary Methods of the King of France, which 'tis not fit to imitate in England.*

Ans^r. This is the Objection that has prevail'd most against this way of raising Men, and which the Gentlemen that oppose it insist more upon than any other; not, I suppose, because it's any better than the rest, for that it is not, but because to seem to assert, and talk for Liberty and Property, is always popular, makes a great shew, and gives a Man an Air, tho it be nothing to the purpose. Or perhaps they are the more fond of this Argument, for the Service they think it has done or may do them; but whatever Success it has had, or may hereafter have, I believe I may assure them, that it will never be thought owing either to their Abilities in managing it, or to its own Force, but rather to the Influence of some blind Chance or Fate that presides over the Success of Reasoning and Discourse, &c. as well as over the Events of War, and often favours Nonsense in Opinions as it does Injustice in Arms, and without which it is scarce possible to conceive how an Opinion, so manifestly false and absurd as this is, should ever pass upon the World for Reason and Truth.

But how fortunate soever it has been, that shall not hinder it from being fairly and thoroughly examin'd.

In order to which I shall consider the first Part of this Objection by it self, and reduce it to this single Proposition.

That to make a Law to force Men to list themselves, and to fight in Defence of their Country against a Foreign Enemy, is a violation of their Liberty.

Proved. This is a full and true State of this Objection; which being thus fairly represented, and set in a good Light, I am confident that is enough alone, without any Reasoning or Arguments, to convince an honest unprejudic'd Person, who is free from the Engagements of Factions and Parties, of the Absurdity of it. I am as great a lover of Liberty and Property as any Man, as jealous of the Rights I have receiv'd from my Ancestors, and as desirous to transmit them to Posterity; but I could never have suspected them to be in any danger from a Law of this nature: And that they are not I shall endeavour to prove, by shewing,

I. *What the Rights are that Sovereign Powers claim over their Subjects, in relation to War.*

II. *What the Obligations are that Men owe to their Country.*

III. *What is the highest Liberty that can be enjoyed in Society.*

IV. *Wherein the Liberty of the English Nation consists: What we are free from, and what we are not free from.*

V. *That to be free from a Legal Obligation to fight in Defence of our Country, is a part of the English Liberties, and is wholly inconsistent with Society and Government.*

I design but a short Discourse, and therefore cannot say so much upon every one of these Heads as I desire and they deserve. I begin with the first of them, viz.

The King's
Right over
his Subjects
in time of
War en-
quir'd into.

What the Rights are that Sovereign Powers claim over their Subjects in relation to War.

Whatever the Rights of Sovereignty are, I suppose it will be granted me, That they belong in as full and perfect manner to the King and Parliament of England, as to any other Sovereign Powers in the World: And that they are as highly Sovereign in England, and have as much Power over their own Subjects as any other Prince or State has, or can have over theirs. All Sovereign Powers in all Nations, and under all Forms of Government, have always claim'd a Right to make use of the Persons and Estates of their Subjects for the defence of their own Country in time of War against a Foreign Enemy: And this Claim has hitherto been as universally submitted to as made, and that with the highest Reason; for this is a Right essential to Sovereignty, and inseparable from it; without which it cannot answer

answer those Ends that make Government necessary and beneficial to Mankind, nor without it can Sovereigns discharge that high Trust committed to them; a principal part of which is to secure their Subjects, by force of Arms, from being insulted and subdu'd by Foreigners, as well as to make Laws to hinder them from wronging and oppressing one another at home, to defend them in War as well govern them in Peace. This is a Duty that high Station they are placed in lays upon them, and the Safety of their People requires of them, and which they are under an impossibility of discharging, if they have not a Right to command both the Persons and Estates of their Subjects. No Right that belongs to Sovereign Powers is more clear and undoubted than this, nor has any been more readily acknowledged on the part of the People. This is a Right they never disputed with their Sovereigns; never accus'd of being Arbitrary and Tyrannical; never were backward in submitting to it; nor ever thought themselves oppressed, when they were commanded to draw their Swords in defence of themselves and Country. There is no Instance in History of any People that were ever discontented, or who drew themselves from the Obedience of their Sovereigns, for claiming such a Power as this over them: Amongst all the unfortunate Princes that have felt the Resentments of their People for their Miscarriages in Government, not one has ever suffer'd upon this account. It still remains upon Record what the *English* Nation particularly charged *Edward II.* *Richard II.* and *James II.* with when they were depos'd: But I am sure, among the many Instances of their Breach of Trust, Violation of the Peoples Liberties, and Subversion of the Laws and Government, it was never reckon'd for one, that they had made a Law to oblige the People of *England* to list themselves, and fight in the Defence of their Country for the Support of their Government, and the Preservation of their Liberty and Religion against a Foreign Enemy. I cannot deny but there have always been Princes, and still are, that abuse this as well as all other Rights of Sovereignty, that force their Subjects to serve in Wars they have made, merely to gratify their own Pride and Ambition, their Vanity and Wantonness; ruining and impoverishing their Countries, both without Necessity, and without any Pretence of Good or Advantage to their People; and by this means make this Power, which they are entrusted with for no other End but the Defence and Protection of their People, become an intolerable Grievance, and perpetual occasion of Misery and Calamity to them: And no doubt, forcing Men to serve in Wars of this nature, is a violation of Liberty and Property in the highest manner. But, God be thanked, this is not our Case, no Man has ever yet had Ignorance or Impudence enough to say, That the King and Parliament of *England* begun or carry'd on the present War for any other End but the Common Interest and Safety both of *England* and all *Europe*: This War is not their Choice, but is forced upon them by the Ambition of *France*, and the proud Projects of her aspiring Monarch, whom nothing less can satisfy than the Glory of enslaving *Europe*, and restoring an Arbitrary Popish Prince to the Throne of *England*; whom it will be always the Interest of *England* to keep out, as long as the Protestant Religion is the Interest of a Protestant Nation, and Liberty the Interest of a Free People.

The Second Thing to be shewed is, *What the Obligations are that Men owe to their Country.*

That it is mens Duty to fight in Defence of their Country against a Foreign Enemy, is so certain and undoubted, that to make a Law to force them to do it, can never be a Breach of their Liberty, unless they have a Liberty to be wanting to their Duty.

Obligations one is under to his Country asserted.

This Duty they are oblig'd to principally for two Reasons.

1. Because they receive Protection from their Country, both for their Persons and Estates, and are therefore oblig'd to contribute with both to her Preservation: It is her Justice that covers both the one and the other from Injury and Violence; and it is her Laws that convey to men the Honours and Estates of their Ancestors, and secure them in the peaceable enjoyment of the Fruits both of their own, and their Industry. In short, all that Peace, Safety and Rest that make both mens Lives and Estates a Blessing to them, they owe intirely to the Government of their Country. These are the Benefits she bestows equally upon all Men, which their Ancestors have enjoy'd for many Ages, and which she still reserves for their Posterity: And in consideration of Benefits of so high a Value, she claims a Right over the Persons and Estates of all Men, to make use of them in her own Defence,

fence, and employ them against all her Enemies, both Rebels and Foreigners, for the Safety and Preservation of those Laws and Government to which all Men owe their own.

2. A second Reason why Men are oblig'd to fight in defence of their Country is, Because they are Trustees for Posterity of those Rights and Privileges they have receiv'd from their Ancestors, and therefore cannot suffer them to be lost for want of defending them, without being guilty of the highest Dishonesty and Breach of Trust.

English-men have receiv'd from their Ancestors the best constituted Government perhaps in the World, the purest Religion, and the perfectest Liberty: These are all things of inestimable Value, which our Ancestors have both purchased and preserv'd, with a vast expence of Blood and Treasure; and have handed down to us from Age and Age, not with design only that we should enjoy them our selves, but that we should secure their Descent to Posterity, by a resolute Assertion and vigorous Defence of them, against all those that endeavour to subvert and extirpate them. And whoever shall so far forget the Duty he owes both to his Ancestors and his Country, both to the present and succeeding Generations, as to betray a Trust of such high Importance, and instead of that Liberty and Purity of Religion which he has receiv'd from his Fathers, leave an Inheritance of Idolatry and Slavery to his Children, as he is the highest Dishonour to his Ancestors, so he is the bitterest Curse to his Posterity.

Obligations
to serve in
defence of
ones Coun-
try.

From these two Reasons it is plain, That Men lie under all the Obligations of Honesty, Honour and Justice, to draw their Swords in their Country's Defence: And this is not more their Duty than 'tis their Interest; as all the Members of the Body necessarily bear a part in its Sickness or Health, so all Men share in the Adversity or Prosperity of their Country; if her Affairs go ill, theirs cannot go well; if she be in a bad Condition, they cannot be in a good one, and therefore when they promote her Interest they promote their own; and in the Assistance they lend her against her Enemies, they find their own Security and Defence; and whatever good they do for her, they never fail to reap the Benefit of it themselves. Mens doing good Offices for their Country, is like the Earth's sending up Vapors to the middle Region, which fall back upon her self in fruitful Showers; or like a People in Parliament giving Money to a King, who lays it out all for their own use, by employing it in a War for their own Defence: Such are the Returns a Man receives from those Services he does for his Country, whom he cannot serve without serving himself, nor promote her Happiness without, at the same time, procuring his own and his Posterity's. There was never any Duty better known, nor better practis'd among the greatest and most civiliz'd Nations of the World, than this a Man owes to his Country. Nothing was esteem'd a higher Honour among the *Greeks* and *Romans*, than to fight in defence of their Country [so far were they from thinking it a Violation of their Liberty to be oblig'd to it] and those that fell in her Quarrel, as they left a glorious Memory behind them, so their Poets never fail'd to place them in the Elyzian Fields, and crown them with Garlands.

*Hic manus ob Patriam pugnando Vulnera passi,
Omnibus his nivea cinguntur tempora vitta.* Vir. Æn. l. 6.

The Third Thing to be shewed is, *What is the highest Liberty that can be enjoy'd in Society.*

The great-
est Liberty
in a Socie-
ty.

When Men enter into Society, they necessarily part with all those Liberties that belong'd to them in a State of Nature, and can pretend to none but such as are consistent with Society and Government, and the End for which they are establish'd, which is the common good of all. And when this End is obtain'd, Men are as free as the nature of Society will permit; for the highest Liberty that Men can enjoy in Society, is to be govern'd by good Laws, Laws that tend to promote the Interest and Welfare of the whole Community, and are made in such manner as the Constitution of the Government requires. This is the highest Liberty that it is possible to conceive or aim at in Society, and no People under Government can be free, in a more perfect manner than this is: if we attempt to carry Liberty any higher, we quite destroy it, and set Men free from all Laws and Government; for if Men be not subject to good Laws, I suppose they are not to bad ones, and then they are subject to none at all, but must separate and live asunder, and there's an end

end of all Society and Government. To say therefore that a Law, that is for the publick Good [as a Law to oblige Men to list themselves, and fight in defence of their own Country, against a foreign Enemy, most certainly is] and is made in such manner as the Constitution of the Government requires, is a Violation of Liberty, is to say, in other words, That Liberty destroys it self, That Liberty is a Violation of Liberty; and is as perfect Nonsense, and as staring a Contradiction as any is in Transubstantiation.

The fourth thing to be shew'd is, *Wherein the Liberty of the English Nation consists: What we are free from, and what we are not free from.*

The Liberty of the *English* Nation consists in being govern'd by Laws that are made by the King and Parliament, that are for the publick Good, and that are equal in respect of all Men. We are free in *England* from arbitrary Power; from Laws that are destructive of the Publick Good, or are not made by the King and Parliament. But we are not free from good Laws, nor Laws that are made by the Authority of the King and two Houses: if we are, we are free from all our Laws, for they all are, or ought to be thus qualify'd; and a Law to oblige the Parishes to find Men for the Defence of the Kingdom, would be, when enacted, upon the same foot with all the rest of our Laws, and as far from violating our Liberties, for it would have the Authority of the King and Parliament, be equally laid upon all the Parishes, and be for the publick Good of the whole Kingdom; for as long as this War is our Interest, it is certainly our Interest to raise Men to maintain it: and that it is much more for the Advantage both of the Nation, and Army, to raise 'em in this manner, than in any other, I have already shew'd in the beginning of this Discourse.

The *English* Nation is not free, nor ever can be, as long as the Government continues as it is, from the Obligation of a Law of this nature; nor can such a Law ever be a Violation of our Liberties: If it be, all our Laws are, and 'tis impossible to make a Law that is not, and our Liberties can never be secure till all Legislation be wholly laid aside; for every Law that is made as it ought to be, must be made by the King and two Houses, this being the Way the Constitution of our Government requires; and it must be upon some account or other for the publick Good, for this is essential to all Laws. And if when 'tis thus made it be still a Violation of our Liberties, 'tis plain Law and Liberty cannot consist together, and we must part with one of 'em, either give over making Laws, or take leave of our Liberty. But such an extravagant Liberty, that sets Men free from the Obligations they owe to their Country, was never before claim'd or thought of in *England*; and I wonder the Gentlemen that think it a Violation of Liberty, to make a Law to oblige Men to list themselves, and serve their Country with their Persons, do not think it so too to make 'em serve it with their Estates, and cry out upon the Laws for raising Mony as Violations of Liberty. What can be the Reason they are so graciously pleas'd to be partial to these Laws? Are Mens Persons more privileg'd, or more under the Cover of Liberty and Property than their Estates? Does not the Liberty of *England* equally reach and cover both? Why then do they not harangue us every Session when the Land-Tax is granted, with the Danger that Liberty and Property are in by it? I will undertake with the same Reasons, and upon the same Grounds, that they shall prove a Law made to oblige Men to serve their Country with their Persons, to be a Violation of Liberty, to prove the Land-Tax that obliges 'em to serve it with their Estates to be so too.

Are not Mens Persons under the Protection of the Government, as well as their Estates? And do they not receive the Benefit of the Laws for the one as well as the other? Why then are they not equally oblig'd to serve their Country with both? Are not Men as free in *England*, in respect of their Estates, as they are in respect of their Persons? Why then is a Law made to oblige 'em to serve their Country with their Persons, any more a Violation of Liberty than a Law to oblige them to serve it with their Estates? The Liberty of *England* reaches Mens Estates in as full and ample a manner as it does their Persons, and equally covers both from Injury and Violence, but neither of 'em from being serviceable to their Country. Whatever Right the King and Parliament have over Mens Estates, to make use of them for the Service of the Kingdom, the same they have over their Persons. And since these Gentlemen are such nice Asserters of Liberty, I must needs put 'em in mind, that a principal part of the Liberty of the People of *England* is, to have good Laws made when they want 'em; for the want of good Laws is as great a

Grievance, and as prejudicial to the Nation as the Establishment of bad ones: When therefore a Law, if enacted, would undeniably be for the Good and Advantage of the whole Kingdom, and there be an apparent Necessity of it, if we cannot obtain it, this is a plain and direct Violation of our Liberties.

The fifth thing to be shew'd is; *That to be free from a legal Obligation to fight in Defence of our Country, is no part of the English Liberties, and is wholly inconsistent with Society and Government.*

English-
men are un-
der a legal
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to fight in
defence of
their Coun-
try.

If the People of *England* have a Liberty, not to be oblig'd by any Law to list themselves and fight in defence of their Country, I should be glad to know where this Liberty may be met with: There is no mention made of it either in *Magna Charta*, the *Petition of Right*, or the *Act declaring the Rights and Liberties of the Subjects*; no Trace to be found of it in any Records, or Journals of Parliament; no News to be heard of it, either in the Common or Statute Laws of *England*, no Year-Books nor Books of Reports give any Light about it: and I am afraid an Enquiry after it would prove as vain and unsuccessful, as the Search of the Chymists after the Philosophers Stone, or the Pursuit of the Heathens after Happiness, which Mr. *Dryden* says, *Rel. Laici*,

———*Was never to be found,*
But vanish'd from 'em like enchanted Ground.

No Instance can be given in any Age, that the Nation ever claim'd or made use of such a Liberty: On the contrary, our Ancestors were oblig'd by their Tenures of Knights-Service, to bear Arms for the defence of the Kingdom, both at home and abroad; and they continu'd under this legal Obligation till the Restoration of King *Charles II.* when Tenures by Knights-Service were taken away by Act of Parliament. And at the same time, or not long after, the Militia Act was made, by which the whole Nation is oblig'd to find Men for the defence of the Kingdom. So that to be free from being oblig'd by Law to bear Arms for the defence of their Country, is a Liberty the *English* Nation has never had, nor indeed any other Nation in the World, for it is wholly inconsistent with Society and Government, and no where to be found but in a State of Nature; for Men cannot take the first step toward Society, without being oblig'd to a mutual Assistance of one another, for the Preservation of the whole. This is the very Foundation of Society and Government, without which all Societies must dissolve, and Government become impracticable; for the first Rebellion at home, or War from abroad, must needs destroy any Government, if no body be oblig'd to defend it. This Obligation therefore is essential to the very Being of Society and Government, and Men cannot pretend to be free from it, without breaking those Bands by which Societies are held together, and dissolving that Union which is the Life of 'em: for it is the Union of the Members one with another for their Preservation, that constitutes Society, and distinguishes it from a state of Nature, in which Men live separate, and have no dependence one upon another; and as they receive no Benefits from any, so they owe no Obligations to any, are concern'd in no bodies Preservation but their own, nor oblig'd to fight upon any other account than the Defence of their own Persons. But whenever Men quit this brutish Way of living, and enter into Society, it necessarily lays upon 'em an Obligation of mutual Assistance for one another's Defence; for this is the very End and Design of Society, indispensably necessary to its Preservation, and also founded in the highest Reason and Equity: for as Men lend their Assistance for the Preservation of the Whole, so they receive the Assistance of the Whole for their own; as they contribute to the Support of Society, so they share in all those Benefits that are the Effects of it, and cannot excuse themselves from performing what is requir'd on their part, as Members of Society, without at the same time forfeiting their Right to those Returns that Society makes 'em. Such a Liberty therefore that pretends to set Men free from the Obligations they are under to bear Arms for the defence of their Country, is both highly unreasonable, and utterly inconsistent with Society and Government.

Inferences
from the
Premises.

I have now gone thro these five Heads, and tho I have not said much upon any of 'em, yet I hope I have said enough to satisfy unprejudic'd Persons, that a Law to oblige the Parishes to furnish Men for recruiting our Troops, is no Violation of our Liberties: If it be, neither we nor our Ancestors, neither our own nor any other

other Nation has ever yet been free : nor has there ever been any such thing as Liberty in the World ; for it has been the constant Practice of all Nations, without exception, to make use of their own Subjects in time of War, and oblige them by publick Authority to fight in defence of their Country, against a foreign Enemy. It were easy to bring Instances enough of this, if it were necessary : that it has been so in *England*, the Tenures by Knights-Service and the Militia Act are sufficient Evidences. But perhaps it may be said, that the Militia Act is no Violation of our Liberties, because it does not oblige our Men to go out of the Kingdom to fight : That is, if the *French* will come over and fight fairly upon *Salisbury-Plain*, we may make as many Laws as we will, without hurting our Liberties, to force Men to list themselves, and fight 'em ; but to make our Men go over the Channel to 'em, and fight 'em in *Flanders*, is a manifest Violation of our Liberties. I cannot imagine why a Law to oblige the Parishes to furnish Men should be thought any more a Violation of Liberty in *England* than it is in *Scotland* ? The *Scots* have always had as great Liberties as we, and been as jealous of them, and yet they have made a Law lately to oblige the Parishes in that Kingdom to furnish Men to recruit their Troops, and I have not yet heard that any of 'em complain of it as a Violation of their Liberties, nor I believe ever will.

I suppose, after all, it will be said, *That it is a hard Case to take Men by force and make 'em serve ; and that Mens Persons ought always to be free.*

To which I answer, That Law is Authority, and not Force : and tho to take Men by force be hard, because 'tis illegal, to take them by Law is not so, especially when 'tis so order'd in the Act, that the Choice of the Parishes shall fall principally upon such loose, disorderly Persons that are better spar'd than kept ; and, I hope, I have already prov'd, that Men have no Liberties belonging either to their Persons or Estates, neither in *England* nor any where else, that exempt 'em from serving their Country, when the supreme Authority commands it, and the publick Good requires it.

I come now to the second part of this Objection ; which is, *That this Way of raising Men is one of the arbitrary Methods of the King of France, which 'tis not fit to imitate in England.*

The word Arbitrary, rightly understood, when apply'd to Laws and Matters of Government, signifies the Abuse of Civil Power. The End of civil Power, wherever plac'd, whether in a single Person or many, is the Good of the People ; and when Princes or States make use of it for any other End, they abuse it, and act arbitrarily, that is, set up their own Will and Pleasure, and pursue their own private Ends, instead of the publick Good, which alone they ought to look at, and design in all their Actions. Whatever therefore is for the publick Good can never be arbitrary ; and what is not so is always arbitrary, and can never be otherwise. Hence it's evident, that to make a Law to raise Men upon the Parishes, to carry on a War that is for the publick Interest, can never be arbitrary, let it be whose Method it will. Because, for the most part, the Actions of the King of *France* have been arbitrary, many People think, that whatever he does is so : And if it be once known that the King of *France* does a thing, that is enough with them, without any further Enquiry into it, to cry out against it as arbitrary and tyrannical ; just as the Fanaticks think every thing Superstition that is practis'd in the Church of *Rome*, because many things in that Church are so. But the King of *France*, tho he be always Sovereign, he is not always Arbitrary ; he is only so when he acts arbitrarily, which, as bad a Prince as he is, he does not always do. When he clear'd the Roads of Thieves, and made travelling safe ; when he put an end to Duels in *France* by severe Laws, and a strict Execution of them : These things were for the Good of his People, and therefore not arbitrary. It does not follow therefore, that a thing is arbitrary, merely because the King of *France* does it ; tho I must confess, I think the King of *France*'s raising Men, to serve in this present War, either on the Parishes in *France*, or in any other manner, is arbitrary, because the War it self is so on his part : The Thirst of Glory, and the airy Hopes of Universal Monarchy were the only Motives that engag'd him in this War ; which he enter'd into with great Pride, and Contempt of the rest of *Europe*, not mov'd by any Prospect or Design of Good or Advantage to his People, nor forc'd by any Necessity or Danger that threaten'd either himself or them from any of his Neighbors ; for both he and they, and all *Europe* might have enjoy'd a long and happy Peace, if his own restless Ambition would have given leave. Not only therefore his raising of Men in any manner whatever, but his raising Mony, and every thing else he does, to carry on a War of this nature,

cannot but be arbitrary in him, because the War he makes is it self so. But the Case is otherwise in respect of the Allies, who make War against him only to put a stop to the Growth of his Power, and secure themselves from the Injustice of his Arms; and therefore the Methods they make use of to raise either Men or Money to carry on the War, cannot be arbitrary, because the War it self is so much the Interest of their Subjects, and so absolutely necessary to their Preservation.

The Absurdity and Falshood of the contrary Opinion expos'd.

These are all the Objections that I ever heard, or can think of, against making a Law to oblige the Parishes to furnish Men for recruiting our Troops; and I hope I have, according to my Promise, both fully and fairly examin'd the Opinion of those Gentlemen who think this way of raising Men a Violation of our Liberties; and I have done it the rather, because I was willing, once for all and to purpose, to expose and baffle an Opinion that is not only false and absurd in it self, but very prejudicial to the Nation, and will become more so every Year, as the War continues, and the Difficulty of raising Men encreases, which will be greater every Year, and Men grow more scarce, as the War is drawn out in length: nor can it possibly happen otherwise in long Wars, in which so many Men are destroy'd every Year, both at Sea and Land. 'Tis against the Interest of the Nation therefore for any Person to put it into Mens Heads, that 'tis a great Wrong to 'em, and a high Injustice done 'em to take 'em against their Wills, and make 'em serve their Country either at Sea or Land; and that tho this should be done by Law, yet 'tis nevertheless a Violation of their Liberties, and a downright Oppression of 'em. If such an Opinion should happen to spread, and be once thoroughly rooted and fix'd in the Minds of the People, it might prove very dangerous, and have very ill Consequences, if the Nation should happen by a long or unsuccessful War to be brought into great Want of Soldiers or Seamen, and drove to make use of extraordinary Methods to raise 'em. Our Seamen think themselves hardly enough dealt with already, and are dissatisfy'd enough with their being forc'd to serve; but no doubt they would be much more so, if it were once told 'em, that no Law nor Authority whatever could oblige them to serve against their Wills, that the Liberty of *England* protected 'em from it, and that to force 'em to it was the most outrageous Violence and the highest Injustice in the World, let it be done by the King and Parliament, or whoever it would. If they once understood this, and thoroughly believ'd it, and did not mutiny or make some Disturbance to deliver themselves from such an Oppression, the Nation would be more beholden to their Loyalty than to those that maintain such Opinions. That the King and Parliament of *England* cannot command the Persons and Estates of their Subjects for the Defence of the Nation against a foreign Enemy; and that if they make a Law to this effect, it is a Violation of our Liberty; is an Opinion so monstrous and extravagant, that one would think no Man could be so far forsaken of all Understanding and common Sense as to maintain it: but when Men talk thus, it looks as if they were more forsaken of Honesty than Understanding.

I must needs make bold to take one View more of the Liberty these Gentlemen maintain, before I take my last leave of it; and this Curiosity is very pardonable in me, since this Liberty is certainly a Stranger in these parts of the World, whatever it is elsewhere.

Liberty of not fighting for ones Country examin'd.

All *English-men* then have, as you say, Gentlemen, a Liberty not to fight for their Country, and no body can make 'em do it, unless they, kind Hearts, should happen to be in a good Humor, and offer their Service themselves; tho the *English* Fleet should be sunk, and the Army destroy'd, yet *English-men* may stand still with their Hands in their pockets, and look on, and no body can make 'em strike a Stroke. This is their Liberty, and no body has a word to say to it; nay, tho the Kingdom it self were sure to be lost, our Laws, Liberties, Religion, Government and all with it, yet neither the King nor the Parliament, nor both of them together, with all their Laws and all their Authority, can make a Man of 'em fight to prevent it, no not so much as a Tinker, Fortune-Teller or Ballad-singer, their Persons are all privileg'd, all sacred, all under the Protection of Liberty, which no body must dare to violate; tho, perhaps, all the while, these sacred Persons of theirs lie stinking in a Jail, a Prey to Vermin and Nastiness, or else in a House of Correction, under the Discipline of a brawny Arm and twisted Whip: But 'tis no matter for that, let 'em be where they will, either playing the Rogue or suffering for it, if we offer to hang a Sword by their Sides, or put a Musket in their Hands and make 'em fight for their Country, immediately Liberty receives 'em into her Sanctu-

Sanctuary, and there they are as safe as if they were in an enchanted Castle ; it's in vain to hope to come at them, they are quite out of the Reach of all Law and all Authority, the King and both Houses may throw their Caps at 'em. Why now, believe me, Gentlemen, this is the most glorious Liberty the *English* ever had since they were a Nation : How high will it raise the Honour of our Country ? What a Terror shall we be to our Enemies ? How famous will it make our Courage ? How invincible our Armies and Fleets, and inaccessible our Island ? Bless me ! Gentlemen, what an inestimable Treasure have you found out for us ? A Liberty far more worth than all the rest of our Liberties, or all the Blood and Treasure they cost our Ancestors : With what Joy must it needs be receiv'd both by the present and succeeding Ages ? How happy will it make both us and our Posterity ? Give me leave, Gentlemen, to adore you for the Discovery of it ; Hail Darlings of Heaven ; hail highly favour'd, you alone among all Mankind were found worthy to have the Honour to reveal this Secret to the World, that has lain hid from Ages and Generations past, which our Ancestors could never arrive to the least knowledg of, nor Posterity would never have heard of it, if you had not enlightned the World with it. How happy is the *English* Nation to have such able and faithful Patriots as you, who not only support our antient Liberties, but find out new ones for us ; What may we not expect from your Zeal and your Abilities ? It ravishes me to think how gloriously Liberty will flourish in our days ; what Improvement will be made in it ; how *Magna Charta* will be enlarg'd, and how many Volumes of new Liberties will be writ, all as glorious and honourable, and as much for the Interest of the Nation as this is.

It was for the sake of this Liberty, no doubt, Gentlemen, that the late King *James* went away, and left his Army on *Salisbury-Plain* ; he knew *English-men* could not be made to fight against Foreigners without violating their Liberties ; and therefore rather than make 'em do that, he chose, out of a tender regard to the Liberties of *England*, to go his way, and lose his Kingdom. Now, I must tell you, Gentlemen, That notwithstanding all his Faults, this was very kindly done of him, and shews he lov'd the Nation, and understood its Liberties well. And so, it seems our Admiral did, that we had in the beginning of this War ; he knew the Seamen had been press'd, and that it was a Violation of their Liberties to force 'em to fight ; and therefore, when the *French* came up to him near the *Isle of Wight*, he bore away from 'em as fast as the Wind and Tide would carry him, bravely maintaining the Liberties of *England*, quite from *Spithead* to the River's Mouth. But his Successor, Gentlemen, one may say it among Friends, has not behav'd himself so well in this Point as he did ; for happening to meet with the *French* Fleet some Years after, much about the same Place, what does he do but fall on without any regard to our Liberties, and there was he at it for above an hour, Fist to Fist with Admiral *Tourville*, and all the while the poor Seamens Brains and their Liberties flew about together, in the saddest manner ; I protest to you, Gentlemen, 'twas a shame to see it. Between you and me, Gentlemen, he may be an honest Man, but really he does not understand the Business of Liberty ; I believe he means well, but he has not seen so far into that Matter as you have done : Pray, Gentlemen, take a little pains with him, and set him right, and give him a Copy of *English* Liberties to put in his pocket when he goes to Sea again ; but let it be a Copy of your own making, Gentlemen, not drawn out of *Magna Charta*, nor any Records or Journals, but fire-new from your own Brains. And pray, when your Hands are in, don't forget to furnish our Officers with Copies when they go back to *Flanders* ; they have as great need of 'em as our Admiral ; I assure you Gentlemen, they take no care at all of our Liberties when they come into *Flanders*, 'tis a sad thing to see how they make our Men fight there : It has been many a Heart-breaking to me to see what Havock has been made of the *English* Liberties the last Campaign. We are more beholden in this Point to two good-natur'd Foreigners, who commanded *Dixmude* and *Deynse*, than to all our own Countrymen ; they had heard, no doubt, that they could not make the *English* Troops, they had with 'em, fight without violating their Liberties, and therefore, rather than offend our Men in so nice a Point as that, surrendred their Garisons without striking a Stroke : This was indeed, Gentlemen, a greater Proof of their Love than we could have expected from Foreigners, and they ought to have the Thanks of the Nation for the Care they took of our Liberties.

But let us leave *Flanders*, if you please, Gentlemen, and return to our own Island, and there bewail again the deplorable Condition of our antient Kingdom of *Scotland* ;

Liberty made K. J. go away.

The Practice of two Admirals.

The Consequence of not fighting in Flanders.

The Prac-
tice of rai-
sing Men
in Scotland.

land; 'tis a melancholy thing to think how that late flourishing Kingdom is over-run with Slavery; since the making of the Law to raise Men upon the Parishes, there is no more Liberty left in it than there is Episcopacy; from *Berwick* to the *Orcades*, not a *Scotch-man* but is as perfect a Slave as any serves in the Gallies in *Turkey*; and this sad Calamity has befallen 'em merely for want of such good Patriots as you. O happy *England*! and happy *English-men*, on whom Heaven bestows such distinguish- ing Favours, such inestimable Blessings that it denies to all other Nations of the World. Really, Gentlemen, we should be extremely alarm'd in *England*, and in a dreadful Consternation, to see that Slavery is come so near us, and has already taken possession of one End of our Island, but that we know we are under your Pro- tection, and have an intire Confidence in your Conduct and Courage; we know you are always upon your Guard, and that you will not suffer this *Scotish* Slavery to en- ter *England*; that you are ready to bid it defiance, if it should offer to advance one step Southward. Methinks I see you already, Gentlemen, upon the Banks of the *Tweed*, performing Deeds of immortal Honour, and vanquish'd Slavery flying from the Terror of your Arms, frighted and amaz'd, drove back and forc'd to retire to a long distance from the *English* Borders. Without Flattery, Gentlemen, you are the most renown'd Champions that Liberty ever had, none ever distinguish'd themselves so much in her Service as you have done; you, and you alone, of all Mankind deserve to be honour'd with the glorious Title of her Knights; she, fair Lady, was dangerously assaulted by a hard-hearted Soldier, who begun to handle her as roughly as he us'd to do the *French*, and, when she was in the greatest dis- tress, just upon the point of being forc'd, dishonour'd and ruin'd, then stood up the Knights of Liberty, and with a noble Courage and high Resolution, undertook her Rescue; nor did ever the renown'd Knight of the *Mancha* engage with more undaunted Bravery, for the sake of his incomparable *Dulcinea*: Nor could Fate deny Success to the resistless Arms of such invincible Knights, the Lady was deliver'd and her Ra- visher put to flight; then Fame blew her Trumpet, and loud Vioces of Triumph were heard. Some sung the Beauties of the rescu'd Lady, some the matchless Prowess of her victorious Knights! Gentlemen, 'tis a thousand pities you live in an Age and in a Nation where Merit is not understood; had you liv'd among the *Romans*, they had no doubt set your Statues in the Capitol among their Gods: and it's a shame the Mayor and Aldermen of *London* should have their Heads so full of Kings and Queens as to forget you; and that among all the Statues they have set up upon the *Exchange*, not one is to be found to the Honour of the Knights of Liberty. And it's still more unpardonable that no body has yet set you astride in *Lincolns-Inn-Fields* or *Covent-Garden*, and that none of our Squares are yet honour'd with your Heroick Exploits engraven on Columns of Brass, and cut in Marble Pillars. Oh! 'tis a base ungrateful Generation this, far unworthy to behold your glorious Actions, or en- joy the Benefit of 'em: but in spite of all its Ingratitude and Neglect, your high Atchievements shall be registred in the Temple of Honour, and Fame shall eternize the Memory of 'em; in every Page of whose Book Posterity shall read your noble Exploits, and equally honour the Knights of Liberty with *Amadis de Gaul*, and the famous *Don Quixote de la Mancha*.

A LETTER to a Friend, in Vindication of the Proceedings against Sir John Fenwick, by Bill of Attainder; with some Remarks on his printed Paper. Printed in 1697.

To the READER.

I Was never a very great Friend to Apologies; yet I find it necessary at this time to make use of them. I do it for the Satisfaction of such who may ask, why this Paper came out no sooner? and, why, after such a Delay, it came out at all? seeing the Business of it, as they conceive, is blown over, and the Town has fresh Subjects to talk of. Why this Discourse was delay'd so long.

For the First, the Delay: a desire of seeing some Memorials not to be immediately bad, and of discoursing with some Persons not every day to be met with; a great deal of other Business, and an Expectation of something of this nature from other hands; as they are true Suggestions, so, I presume, they make up a just Excuse.

Concerning the Second, the Unseasonableness of this Account, I take the Confidence to say that it seems to me to be a very great Mistake. For there is a Party (who know better what they are against, than what they are for) whose Heat, tho' very violent, is yet perpetual. This is evident to all who are either so curious as to inquire after the Papers they spread abroad, or so unhappy as to ingage with them in Discourse. The Matter is by no means over with this sort of Men: The Bill of Attainder is their daily Subject. They are transported with so great a rage against it, that for the sake of it, they declaim against all Acts of Attainder. Tho' the Memory of Queen Elizabeth is not, upon other Accounts, much valu'd by them; yet in this Point they represent it as the Glory of her Reign, that no Act of Attainder passed in it. I am not going about to justify all such Acts, or to plead for the frequency of them. But I would, upon this occasion, observe to the Men of this Faction, that Queen Elizabeth did pass such Acts; and that the last, which the late King James passed, was very far from the Reasonableness and Justice either of those in her time, or of this in King William's. * Queen Elizabeth did, in Ireland, pass many Acts of Attainder; and, in some of them, great Numbers of Persons were included. And I cannot but take notice, that in the last Act, here cited, for the Attainder of John Brown of Knockmontin, and very many others (I think in some of the rest too) the Style runs thus: 'It may please your Highness for the good Preservation of your most excellent Majesty's Government, and of the good Peace, Unity, and Rest of all us your most bounden and obedient Subjects thereof, the Lords Spiritual and Temporal, and the Commons in this Parliament assembled, that it may be enacted by the Authority of this present Parliament, that the said John Brown, John Bradah, &c. be, and shall be, by the Authority of this present Act, convicted and attainted of High-Treason. So that, in the Judgment of those times, such an Act was not reckon'd inhuman and unmerciful, and of very ill Consequence to the Publick, but a present Means to the Common Good. That excellent Queen, who was always the same, could not look upon an Act of Attainder, as merciful in one Country, and unmerciful in another.

* Act of Irel. 11 Eliz. c. 3. 13 Eliz. c. 5, 7. 27 Eliz. c. 1. 28 Eliz. c. 7, 8.

2400 Persons attain-
ed in Ire-
land.

The late King James, by an Act of a pretended Parliament assembled at Dublin, May the 7th 1689. attainted of High-Treason above two thousand four hundred of the Nobility, Gentry, Clergy, and Commonalty of England and Ireland (among whom as there were several Women and Children, so there were some great Persons, now sitting here in the House of Lords, viz. James Duke of Ormond, Robert Boyle Earl of Cork, John Earl of Mulgrave) the List of whose Names only fills no less than thirty Pages in Quarto, close printed in Columns. Where now is the Impartiality of those Men, who will not suffer one hard Word to fall, which may censure King James's Act, whilst with all Bitterness they arraign this of King William? Yet in this the Legislative Power found it necessary (at least in one Instance) to exert itself; that Conspirators might not for the future learn a Method of escaping from Justice, by taking off a Second Witness, by Bribery, Poison, or other evil Means. The Consequence of such Encouragement would be, the endangering of our Religion and Property, and the bringing us to Wooden Shoes, and Deities of a like insensible Substance. To me it is manifest, that the Legislative Power proceeded upon the truest and noblest Principles; I mean those of Justice to the Person, and Charity to the Publick. These are founded on true, unbiass'd, and (as I may call it) dry Reason, which is the Soul of Law: whereas the Pity which would save from Punishment such particular Persons as are Enemies to the Kingdom, and rather justify than acknowledg their Crimes, proceeds from a Judgment so macerated in bodily Passion (as a great Man speaks) that it is both unmanly and mischievous. The Mercy of such a Passion is cruel. It says, in effect, to the Chirurgeon, You bloody and barbarous Man, will you be so unmerciful as to cut off the gangren'd Arm? Rather than be so inhuman to it, let the Body perish.

I hope, that notwithstanding the Clamour of Men, transported with the Heat of Popish Zeal, the Legislative Power will always prefer the Publick before private Good: and the Character of this Reign will be true Clemency; which is on one side, fenc'd against Rigour, and against Remissness on the other.

A Letter concerning the Attainder and Execution of Sir John Fenwick.

S I R,

I Do not wonder to find you concern'd to know upon what grounds the Act of Attainder was lately carry'd. The Debates were long, and the Contradiction was great. Every thing that is unusual, and that in the first appearances seems a strain upon Justice as well as Law, needs a Commentary. A short Prejudice does sometimes seize one so strongly, that a long Discourse will be necessary to set his Judgment right: and therefore I shall endeavour to give you as full an Account of that whole Matter as I have been able to collect, either from what I learn'd from the Bar of both Houses when all were permitted to come in, or from discourse in Conversation afterwards; which, I hope, will serve, without any Additions or Observations of my own, to help you to see this Matter in a clear Light, and to take off from your self or others, any Impressions that flying Reports or some short Papers may have made. It has been the more easy for me to procure you such an authentical Relation of that Matter as will satisfy you, because both Houses of Parliament did, upon this Occasion, slacken their otherwise necessary Rules of having all their Debates with shut Doors, and only among themselves. They seem'd in that to comply with the Methods of the Justice of this Kingdom; in which Judges argue and give their Opinions in open Courts, and in the hearing of all: So, since they brought a Gentleman to a Trial, they not only heard Counsel and Witnesses with open Doors; but, in most of their Deliberations, they acted like a Judicature that was neither afraid nor asham'd to own what they did. But to bring those Debates of which I was so lucky as to hear a great deal, under some form, I shall lead you, as they proceeded, by these steps.

Debates in Parlia-
ment pub-
lick.

1. I shall show you on what Reason they proceeded by Bill in this Case.
2. On what Reason they went out of the common Forms of Law in inferior Courts, in some steps that they made.
3. Upon what Grounds it was that they judg'd this unfortunate Gentleman Guilty. And then,
4. I shall acquaint you with some Passages before and at his Execution.

*The State-
of the fol-
lowing Dis-
course.*

In stating these Matters to you, I shall comply faithfully with your desire of knowing what was said of both sides for and against every Step that was made, as far as I was able to collect from what was said.

It was in general objected, that there were Laws, and Courts of Law, where Offenders were to be tried.

*Reasons al-
ledg'd a-
gainst the
Attainder.*

It was thought a thing of dangerous Consequence to proceed against any by Bill, which might have fatal Effects, even to the subversion of the Laws of the Kingdom; which (if in any thing) ought to be observ'd most sacredly in what relates to the Lives of the Subjects.

It was said, that Factions might prevail in Parliament as well as elsewhere, and what was done at one time, would be made a Rule or Precedent to warrant the like at another time.

It was alledg'd, that Subjects knew the Laws, and how to govern themselves by them, or when they must fall under them; but no Man could know what a Parliament might call or make a Crime, and so no Man could be safe.

It was yet more necessary that this should be certain in Cases of Treason, where the Punishment went not only to Life, but to the corrupting the Blood.

By the great Statute of *Edward III.* the Overt Act must be proved: By that of *Edward VI.* there must be two Witnesses brought face to face; and all these Securities were of late reinforced by the *New Act of Trials in Cases of High Treason*: but all these would signify nothing, if this Method were taken of attainting Men by a Law. This was enforced by a variety of Topicks, as you see the Subjects can well bear them.

But in opposition to all this it was said, that the Parliament had often proceeded in this Method. Very many Precedents were cited of antient Times; some of these were indeed afterwards condemn'd, but so were also the Proceedings at Common Law; for partial Juries and corrupt Judges are Plagues that have visited us but too often. Therefore it was no derogation from Parliamentary Proceedings, to confess that in bad Times they have been unjust and extreme.

*Reasons
for the At-
tainder.*

Still the Authority was kept up, as that which had been reserv'd by the *Proviso* in the Statute of 25 *Edward III.* and tho that *Proviso* had not been made, the nature of this Government of ours in *England* makes it.

It was indeed seldom to be made use of; but when enormous Crimes broke out, against which no Provision had been made, then a Law, as they thought, might declare the nature of such Crimes, and apply a proportion'd Punishment to them: So in King *Henry the Eighth's* Time, when a Pot full of Pottage was poison'd in the Bishop of *Rocheſter's* Kitchen, of which some eating of it had died; Poisoning was declar'd by an Act of Parliament to be *High Treason*, and the Punishment of it was to be boil'd alive, and the Cook suffer'd by that Law; which was never censur'd by any.

When the Nun of *Kent* pretended to Visions, that reveal'd to her the unlawfulness of that King's Purpose of Divorce and of a second Marriage, and that if he did go on to it, he should die a Villain's Death; the Parliament adjudg'd this to be the Crime of Treason against the King's Life and Crown, and condemn'd some to be attainted of Treason, and others of Misprision for the share they had in it. This *Sir Thomas Moore* justify'd.

*The Nun of
Kent's
Case.*

It is true, Attainders grew to be much in use during the rest of that Reign, which was much and justly censur'd. These things ought not to come too often; the Crimes ought to be enormous, and the Evidence to be so full that no Doubt can remain of it. Many then were attainted upon Depositions produc'd, without bringing the Witnesses themselves to be examin'd: the Crimes objected were slight Matters, some passionate Words, some Coats of Arms, some pieces of Embroidery, as in the Case of the Countess of *Salisbury* and the Duke of *Norfolk*: But the chief Injustice of all was, that Prisoners were attainted without being brought to answer for themselves, or to object to the Evidence laid against them. A Parliament was

*Attainders
in Hen. 8's
Time too
frequent, &
censur'd.*

certainly under the eternal Laws of Justice, and therefore it was an Injustice never to be excus'd not to admit Men to speak for themselves.

One Attainder past in *Edward* the Sixth's Reign, when tho the Party was not heard, the Witnesses were heard; but when the Duke of *Somerset* came to be try'd both for Treason and Felony, he had not the benefit of the Accusers being brought face to face, but was proceeded against upon Depositions read in the Court; he was acquitted of the Treason, but cast for Felony; and that occasion'd the Act which the Commons grafted upon a Bill sent down by the Lords in the subsequent Sessions.

No Attainders in Q. Eliz. Reign.

In Queen *Elizabeth*'s long Reign there was indeed no Attainder, but there was a very extraordinary Proceeding, supported by a Parliamentary Authority, in a famous tho invidious Case; and if a Parliament may supersede any of the common Forms of Law, they may carry that as far as they see good Cause.

In K. J. I's Reign.

In King *James*'s Time, those who had been concern'd in the Gunpowder Treason, were by Act of Parliament attainted after they were dead, which was plainly against Law; for when a Man dies, by our Law all his Crimes die with him.

In K. Ch. I's Reign. E. of Strafford's Case stated.

In King *Charles* the First's Time, the much talk'd of Attainder of the Earl of *Strafford* has been generally ill represented: he was attainted upon the Evidence of one Witness, who depos'd that he had offer'd Advice to the King to bring in a Foreign Force to subdue this Kingdom; whereas all the other Witnesses said, that by this Kingdom they meant no other but the Kingdom of *Scotland* then in Rebellion, no discourse being of *England*; so whether he said this Kingdom or not, they could not say, but they understand it all to relate to *Scotland*. Now since the Relative *this*, tho in general it belongs to the place where one is, yet may well belong to that which was the Subject of the Discourse, tho this Kingdom in general is certainly this Kingdom, yet these words *this Kingdom* may be understood of that Kingdom of which they were speaking. The Execrableness of that Proceeding was, the attainting a Man upon a single Evidence, when the Sense of them was so doubtful, or rather on the contrary when it was so certain that those words were to be understood in another Sense. It was therefore the Injustice of the proceeding that is here to be accus'd, and not the proceeding by Bill: For it is hard to tell what any Parliament would do, or rather what it would not do against a Minister, who upon their refusing to give all the Supplies that were ask'd, should tell a King that he was absolv'd from all the Rules of Government, and might bring in a Foreign Army to subdue his People.

In K. Ch. II. Reign.

In King *Charles* the Second's Time, some of the chief Regicides were attainted after their Deaths, and their Bodies were rais'd and expos'd to Infamy, tho no Law could reach that.

In K. J. II's Reign.

And in K. *James* the Second's Time, the Duke of *Monmouth* was attainted in his absence, without assigning him a Day to come in, and that upon a slender Proof. By this, not to run backward to antienter Precedents, it is clear that Parliaments are in the constant practice of Bills of Attainder.

But to justify such a way of proceeding two things are necessary.

Two things necessary to justify such Proceedings.

1. The Crime ought to be of a high Nature in it self. Who will say but a Conspiracy to blow up the House of Commons, to blow up the Magazines in the *Tower*, or to burn the Fleet of *England*, tho in themselves but Misdemeanors, may be rais'd by a Parliamentary Authority to be Crimes of a higher Nature, and so be punish'd accordingly, as Poisoning was from being but Felony declar'd to be High Treason?

2. Another thing is, that the Evidence must be certain, so certain that none can doubt of it.

When these two are observ'd, no Injustice can be done; and certainly tho Forms are necessary for all the inferior Courts of Justice, yet the Supreme Authority is above them, and is under no other Rules but the Rules of Justice and Equity.

The Law allows of no Torture.

This Government has a peculiar Felicity belonging to it, that it admits of no Torture; every one will acknowledg that it is a Felicity, and it is so peculiar to us, that no Government now in the World, the freest not excepted, has shut it out but this only. But to ballance this, when Cases happen of great Consequence, and notoriously evident, in which all the ordinary Forms of Law cannot be observ'd, the Legislative Authority may and must interpose, otherwise the Publick might be endanger'd by too scrupulous an adhering to Forms.

The Romans, who of all Nations both understood Liberty the best, and liked it the most, reckon'd that sort of Justice was indeed never to be departed from; but their Laws might be superseded: sometimes they put all in the Power of the Consuls with a *viderint Consules*, &c. when the Danger was more extreme a Dictator was made, in whose Breast all the Laws were lodg'd. In great Cases the People judg'd, and sometimes in a very summary way with great regard to Justice, but little to Law when it seem'd to stand in the way of Justice: And yet in all the time of Liberty, there were not above three condemn'd for affecting to make themselves Masters of their Liberties. *The Practice of the Romans.*

The *Portian* Law had secur'd all the *Roman* Citizens from Capital Punishments; yet a few Years after it had past, a whole Legion having perfidiously fallen in upon *Rbegium*, the *Romans* without regard to that Law put them all to death, such regard had they to Justice. *The Portian Law.*

In all free Governments there are extraordinary Methods for extreme Cases; and tho Courts are justly put under Rules, yet that Superior Authority is above all. Such were the Dictators at *Rome*, such are the Inquisitors at *Venice* (not the Ecclesiastical but Civil Inquisitors) such are the Chambers of Justice among the *Grisons*; and among all out of *England*, upon a credible tho but single Evidence Torture is made use of.

In *England*, Trials of Treason went first at large by the Common Law, till the Statute of *Edward* the Third hath both limited the Crimes and the Evidence. This had still a Reserve in it for a Parliamentary Proceeding, which amounts to this, That as to Evidence, Parliaments may proceed as Juries do in case of Felony, to cast the Party upon a single Evidence with strong Presumptions; and that as to the nature of Crimes, such Actions as do in their own nature tend to the destruction of the Government, tho not enumerated in that Act, may by them be declar'd to be High Treason. There is no occasion for this in the present Case; that is, for declaring it by any new Act to be Treason, the inviting of a *French* Army into *England* being certainly High Treason. *The Stat. of Ed. III.*

As for its being a Precedent, it is only a Precedent to a Parliamentary Proceeding. When any Parliament has a mind to proceed in this way, they have already Precedents enough: A new one after so many does not make the Matter much stronger. If they had none at all, their Supreme Power sets them above all Forms and Rules except that of real Justice. They must take care of the Publick, and secure it from danger. They must not put an innocent Man to death upon any account whatsoever, that were Murder in them. The greater their Power is, the more careful they ought to be in the use and application of it. *England* is safe while in the hands of a Parliament. They are in their own hands, in the hands of their Representatives. But if ever the Nation is so unhappy as to make a very bad Choice it must perish, whether a Body so ill compos'd had Precedents, or had them not, for what they were about to do. This great Authority must be apply'd with great care and caution. The nature of the Fact must be enormous, and highly so (as has been before observ'd) otherwise it does not deserve their regard, even tho it might be very criminal: And what can be more enormous than to treat and send Messages to invite over a *French* Army? It were invidious, as well as needless, to aggravate this, which carries in it all the Miseries imaginable that can happen to a Nation; and that from our being the happiest, would soon render us the miserablest Nation upon Earth. We have all seen, during the progress of the War, a Body of unnatural Men among us, that were visibly favouring our Enemies in Instances that have been too publick and scandalous to need to be insisted on. To these we may justly impute both the length of the War, and the Dangers we have been in of being twice surpriz'd by Foreign Invasion from *La Hogue* and *Dunkirk*. To this all the Dangers the King's Person has been in of Assassinations may be also ascrib'd; and with respect be it said, the assassinating the Kingdom, to which the other was to make way, was much the blacker Crime. Confusions among our selves, tho they may throw us into great Convulsions, in which our Kings may have a very dismal share, as happen'd in the late Wars, yet they may have their Crisis. The Nation came again to it self in the Year 1660. and all things return'd to their former State: But a Foreign Conquest enslaves us and our Posterity for ever. And whereas it was said by the Counsel for the Prisoner, that this Gentleman was not so considerable that the Safety of the Government could be in danger by his means, and that therefore it was not necessary to proceed against him in so extraordinary a manner; which was urg'd in words *Precedents of Parliament.*

The Answer
to it.

French In-
vasion de-
sign'd.

not very decent, expressing a contempt of a Man of Birth and Quality: To this it was answer'd, That the Crime and not the Man were to be consider'd. The inviting over a *French* Army was so heinous a thing, that on whomsoever it fell it must fall with all its weight. It must not pass over as a slight Matter besides; for he at the Head of the 2000 Horse that were promis'd was not so inconsiderable. If such Invitation had encourag'd the *French* to undertake the Invasion last Year, that was so near proving fatal to *England*, such a Crime being of the highest nature, is very proper for the Supreme Authority to proceed in; sure there may be defects in the Evidence, which the Courts of Law cannot and ought not to supply. And as to the Evidence, this ought to be laid down for a Foundation, that it ought to be certain, such as no Man doubts of, or can well make himself doubt of; for if there appears no more but a just suspicion after the whole is taken altogether, certainly in that case the Prisoner ought to be acquitted. But if the Evidence comes so home, that if a Jury were to try one for Felony upon such Proof, it cannot be suppos'd that they would go from the Bar; then, tho there should be such defects in it, that by the Rules of Inferior Courts, and by the Law lately passed, a Man could not be reach'd upon it; here would a strange Return to the Crown for passing such a Law, in which a particular Exception was made as to Proceedings upon Impeachments, or other Proceedings in Parliament, if upon new and strange Emergences, and when we were so lately in such visible and imminent danger, the Parliament would not proceed according to that Power that was inherent in it, and had been ever reserv'd to it. They were to arrive at Justice, whatsoever might lie in their way. Justice was still to be sacred: God forbid an innocent Man should suffer; but he was a wise King as well as an inspir'd Writer, who had made the acquitting the Guilty, a Crime equally odious with the condemning the Innocent.

The finest
part of the
Debate.

The passing
the Bill
necessary.

Thus I have given you as fully as I could gather it, the Sum of the Argument as to the Matter in general. This was the finest part of the Debate, and of the most lasting use; here it was (as far as I could collect) that the much greatest part of those that liked not the Bill did stick: For besides the aversion that all Men have for meddling in Blood, many thought this might be made a common Practice. They could not see how far it might go; and therefore thought it safer to let the Bill fall, than to revive, or at least fortify that which might become very dangerous in its Consequences: For I am apt to think they had no concern for Sir *John Fenwick*, and did not doubt of his Guilt, only they had an aversion to the Precedent. And of those who argu'd for it, I know divers who had great tenderness for the Matter, and much for Sir *John* in particular: But since they thought the thing just in itself, the Circumstances of Affairs both at home and abroad, made them conclude it to be necessary to pass a Bill of that nature when it was once moved, since the rejecting it would have given great cause of Triumph to our Enemies, and must have very much disheartned our Friends and Allies. This was not to be consider'd till the Justice of the Point was first settled; for that would be, as if a Man were to die, because it was expedient he should die: but if it appear'd to be just, then the expediency of it had great weight as to the passing the Bill.

Steps made
out of the
Forms of
Law, and
why.

The second Head of which I promis'd to give you an account, is the Reasons on which some Steps were made out of the common Forms of Law. It was first in general urg'd, that here in a matter of Judicature, the Commons assum'd an equal share with the Lords; and more particularly, that they who could not so much as tender an Oath, had yet judg'd a Man guilty of Treason, which seem'd contrary to natural Equity. To this it was answer'd, it was certain that in the way of Judicature the Commons could only be the Accusers, and the Lords were the only Judges; but when they proceeded in the way of Legislation, both Houses must concur. This was the Fate of all Bills of Attainders; some of these Bills were begun in the House of Commons. In *Henry* the Eighth's Time, tho the Bills began in the House of Lords, yet several persons Names were added by the Commons, which was the beginning of it as to those Persons. That of the Earl of *Strafford* was begun by the Commons; so was also the latest Precedent, that of the Duke of *Monmouth*. It is true, the Commons cannot tender an Oath, yet Matters of Justice do oft pass upon a bare Deposition, where the Law doth not suffer an Oath to be tendered. So the Acquittal in Trials of Felony, and till the late Act was past in Trials of Treason, was upon Depositions that could not be upon Oath: Yet they might be believ'd, and Juries must give their Verdicts upon them if they believe them; so

so the Commons believing the Depositions, might upon these pass the Bill, tho no Oath could be tendred.

Another step to which great exception was made, was the reading of *Goodman's* Deposition. It was said this could not be admitted by Law. The Prisoner could not have the advantage of cross examining him, since he did not appear face to face as is requir'd by Law; nor was it prov'd that Sir *John Fenwick*, or any imploy'd by him, had any way perswaded *Goodman* to withdraw himself: It would be of very dangerous Consequence if a Man so accus'd should be condemn'd; for by this means a Witness, who, if produc'd *viva voce* to accuse a Man, could not hurt him, being found insufficient to convict him, yet should have more power to hurt him by his Absence than if present.

To this it was answer'd, that it was a known Maxim, that the Practice of Parliament was the Law of Parliament: and the constant Practice antiently had been to read Depositions. It is true, they were afterwards to consider of what importance such Depositions were, and what stress was to be laid on them; therefore there was Precedent enough for reading them, yet in Justice they ought to weigh every thing that could be offer'd to derogate from their Credit, as they were to hear every thing that was offer'd to defame him or to lessen his Credit. Might it not be urg'd as well against the attainting Men after they were dead, that they could not cross interrogate Witnesses, nor offer Proofs for their own Justification? In such Cases there must indeed be such a fulness of Proof, that it may appear that all Exceptions are vain Allegations, and no great Weight was to be laid on such Objections.

Another step was the examining the Grand Jury-men, who had found the Bill against Sir *John Fenwick*, as to the Evidence that *Goodman* had given before them against him. Those who had been of Mr. *Cook's* petty Jury were also examin'd as to the Evidence that *Goodman* gave in that Trial. The King's Counsel mov'd this, that thereby it might appear that *Goodman* had been always constant in his Evidence.

But to this it was objected, that it was against Law: Those of the Grand Jury were under an Oath not to reveal the Secrets that were before them; whatsoever was sworn before them was all to be examin'd over again in the Trial; so, that could not be brought as part of the Evidence, and those who had tried another Man were not to be brought as Evidence, as to what had passed in a Trial to which Sir *John Fenwick* was not a party. It was also observ'd that those Jury-men vary'd in the Report they gave of *Goodman's* Deposition.

But to all this it was answer'd, that Evidence might be brought to prove a Presumption as well as to prove the main thing in issue. For since *Goodman* was gone, if any use was to be made of his Evidence, it was a strong Presumption either for or against it, if it should appear that he was constant, or that he varied in it. The Parliament was now searching to find out Truth: so every thing was to be follow'd that might help towards that. They were afterwards to consider what use they might make of it; so tho it might be against the Forms of Law, yet in the way in which they proceeded at present, it was very proper for them to examine into it. As for the Oath of the Grand Jury to keep the Evidence secret, it was an Oath in favour of the King; that so the Evidence might not be known to the Prisoner, till he should be brought to his Trial. Since therefore this was an Oath to the King, they who were brought thither by his Counsel were freed from the Obligation of it; and since this was indeed Sir *John Fenwick's* Trial, the end of the Oath was already answer'd, so that it did not bind them to conceal the Evidence that had been given before them.

As for those who had been of Mr. *Cook's* Jury, their Oath was not to be Evidence against another Person; It was only a Circumstance that might direct them to judge what value they ought to set upon *Goodman's* Deposition. As for the Disagreement that might be among them, the Jury-men themselves, when first call'd in, declar'd they could not be positive in it as to Particulars; because it was a good distance of time, and they had not sufficient notice to think and recollect. And as to the Disagreement, it was not in the Charge it self, nor the Matter alleg'd against Sir *John Fenwick*; but it was only in some small Circumstances, in which men might vary who had heard the Deposition but once; and so, are not like a Witness to a Fact, that he has seen or known, which he is suppos'd to reflect often upon; nor do they consider more upon such Occasions, than whether the Evidence is so well made out, that they can give a general Verdict upon it.

They

They therefore might misremember themselves as to some Particulars which were of less Consequence, that would undoubtedly be observ'd when it came to be debated how far *Goodman's* Evidence was to be made use of, or to be depended on; which was afterwards little insisted on, and seem'd rather to be brought to shew the fairness of the Proceeding in the whole Matter, than to draw any Inferences from it to hurt the Prisoner.

Evidence
against Sir
J. Fenwick.

Porter's E-
vidence con-
sider'd.

I come in the next place to tell you what the Evidence was, upon which Sir *John Fenwick* was believ'd guilty: I need not report Captain *Porter's* Evidence, it being so oft in Print, as to this particular, both in Sir *John Friend's*, in Sir *William Parkins's*, and in *Peter Cook's* Trial. All that was special here was, that he said that the Lords left the rest of the Company about five of the Clock, but he could not tell whether he went when he left the House, or whether he went home that or some following Nights. All the People of the House where they din'd were examin'd, who all deposed, that they were often coming to the Room where that Company was, the Doors being all the while open; that they saw not *Goodman* there, nor had ever seen him there, as they remember'd at any time; they believ'd he could not be there at that time. They also said that the Lords went away about four of the Clock, and to that Particular divers other Witnesses were examin'd, who all agreed that it was about four; so tho some of these Witnesses were not much consider'd, yet that Matter seem'd to be agreed on, that they left the House about four of the Clock, whereas *Porter* sware it was about five. A Record of Man-slaughter was also brought to lessen *Porter's* Credit; and whereas he said he could not tell when he went home, it was urg'd, that from thence it must be concluded he was drunk, and so could be no proper Evidence to what pass'd when he was in such a Condition. Some Disagreement was also observ'd in the printed Trials between the Evidence he gave as to *Charnock's* coming to him after his Return from *France*; in one it being that he came to him after his Confinement to *Newgate*, and the other after he was freed from his Confinement. This was much insisted on; and upon this it was said, that as he was the single Evidence, so he was a very doubtful one. To all this it was oppos'd, that by one unquestionable Evidence it appear'd, that *Goodman* had once din'd in the House with Sir *John Friend*, so he was known to the House; and by another it was prov'd that he had given direction to call for him that very day at that House, so little Credit was due to the People of the House. As for the hour of their parting, when the Days are so long as in *May*, no Man can be positive to an hour, except some Circumstances oblige him to attend to it. A Man may think it is five, when it is but four; time seem'd to move quicker or slower as People were in hast or weary; so no stress could be laid on that. It is but an odd Inference that he was drunk, because he did not remember when he went to his Lodgings; other Considerations besides that might make a Man, who was too much a Libertine, not be able to give an account of himself. The Record of Man-slaughter did not at all affect his Fame or Credit in what he depos'd upon Oath.

The occasi-
on of the
varying in
the Trials.

The varying in the Trials was occasion'd by the Difference between the Short-hand Writers; one had writ all the Depositions one way, another had vary'd in some. The Witnesses had complain'd to my Lord Chief Justice, after the Trials came out, that their Depositions had been wrong taken: one of the Short-hand Writers was not plac'd so advantageously as the other; besides that the mark in Short-hand writing that distinguishes between these two after he was confin'd, or after his Confinement was over, was so inconsiderable, that the exactest Writer might mistake; so the insisting so long on this was much wondred at.

Porter's E-
vidence
justify'd.

Upon the whole Matter it was said, that tho a bad Man was at first a doubtful Witness, yet after so many Trials, so great a canvassing to find Matter to object against him, and that not one Point he had sworn was ever disprov'd, or so much as deny'd, by any who had died upon his Evidence; all this confirm'd his Credit beyond the possibility of calling it in question.

Commission
to attack
the King's
Person.

They who had suffer'd, had study'd to cover the late King all they could, and deny'd that they had seen any Commission from him for assassinating the King; but in this they did not contradict Mr. *Porter*, he spoke not a word of a Commission to assassinate the King, but only of a Commission to attack and seize his Person, which none of them deny'd.

Sir J. Fr.
and Sir W.
P. deny not
the Evi-
dence.

If in any Circumstances he had sworn wrong, they to discredit him, and to save their Friends, could not have omitted to deny and contradict it. This not one of them has done; Sir *J. Friend* and Sir *W. Parkins* had this very Matter objected to them, it was a part of the Evidence against them, yet they died without denying it;

it; which is not possible to suppose they would or could have done, if it had been false; since it would have discredited the Evidence, and so have been a means to save their Friends. This is the Nature of a violent Presumption, which really goes further to satisfy a Man's Mind than ten Witnesses; for one may suspect them all, how full or home soever they swear: but this forces it self so upon a Man, that it determines his Assent, he believes it because he cannot doubt of it; and therefore they concluded that Capt. Porter was not a doubtful Witness, but an undoubted one, since his Evidence was fortified with so many violent Presumptions as every one of the dying Men had given to it; but most particularly by what *Friend* and *Parkins* had said, who justify'd themselves in what they had done, but deny'd no part of that which was objected to them. This is more than any Jury in Cases of Felony would require to determine them to bring in their Verdict, and so must be enough to determine the Houses of Parliament.

Goodman's Evidence was not much insisted on. It was prov'd that he had been a common Highway-man; a Record was brought of designing to murder two of the Dutchess of *Cleveland's* Sons; besides most horrid Blasphemies, that could scarce be heard with Patience. It was not prov'd that any in Sir *John Fenwick's* Name had practis'd with him to withdraw, so it might be presum'd that Horror for his false swearing might have been his Motive. To all this it was said, that tho it appear'd that he was a very wicked Man; yet since these Persons, as it was prov'd, had kept him Company much, they made him a more creditable Witness against themselves, than he could be against any other Person. The concurring Circumstances in this Matter gave credit to his Testimony; for as to black things, very wicked Men, when supported by other Presumptions, must be credited, since such Persons are the only proper Tools to be employ'd on such Occasions. It is true, it was not prov'd, that any in Sir *John Fenwick's* Name had practis'd on him to go out of the way: But a Practice of corrupting *Porter* to go out of the way had been fully prov'd; in which the Lady *Mary Fenwick*, and Sir *John's* Sollicitor, had been concern'd; which gave a strong Presumption against him, and a just Cause of Suspicion, that he was also concern'd in the withdrawing the other Witness: But that was only a Suspicion.

Goodman's Evidence.

Another Practice that was prov'd to be carry'd on to discredit his Evidence, was also brought as a Presumption; but that gave only occasion to another Suspicion as to the withdrawing of *Goodman*: So the Business of *Goodman* was little insisted on.

Another Matter was more urg'd; when Sir *John* was first taken, he writ a Letter to his Lady (which was taken from the Person to whom the conveying it was committed) in which, besides many other Directions (by all which it appear'd he look'd on his own Case as desperate) he advis'd her to try, by Money, to gain some of the Jury, to starve the rest; and added, that or nothing must save my Life. This was then brought to the Lords Justices (as was testify'd at the Bar of the House of Lords) And upon his first Examination before them, in which he deny'd every thing, they told him he was not of that mind when he writ that Letter, which was then shew'd him; to which he said nothing, but laid it down, and was silenc'd by it: That was consider'd as an implicit confessing of it.

Sir J. F's Letter to his Lady produc'd.

Some thought to have taken off this, by saying it was like the proceeding in Col. *Sidney's* Case, upon the Similitude of Hands. But the barbarousness of that Case was, that a Book found lying in a Man's Study, writ many Years before, was brought to supply the want of a second Witness, of a Treason of a few months standing. It could not have been deny'd, but that if there had been Witnesses against *Sidney*, tho doubtful ones, it was a violent Presumption to support their Credit, if it had appear'd by a Book of his own writing that he thought Kings might lawfully be put to Death. This was not urg'd as an Evidence, but as a violent Presumption, that Sir *John* knew himself guilty, and such certainly it was. But as *Sidney's* Case was urg'd, so the Lord *Russel's* Case was also insisted upon, which had been ever thought hard, that upon some transient Discourses he had been condemn'd; and it was alledg'd that these were only Discourses at a Tavern. But there was a vast difference between the one and the other: In the Lord *Russel's* Case there were only Discourses of the feasibility of seizing the Guards, but nothing was resolv'd on; and not one word was sworn to have been spoken by him. Whereas here, a Message was agreed on, a Messenger was sent to invite over a French Army; which were plainly Overt Acts.

This Evidence different from that of Algernon Sidney.

This Case different from that of the Lord Russell.

*Delays us'd
to put off
the Trial.*

The last thing I shall take notice of, is the Delay us'd by Sir *John* after his Apprehension. According to the Contents of the Letter to my Lady *Mary* (which was talk'd of in *Kent* soon after 'twas written) very sedulous Endeavours were us'd to have his Trial postpon'd; that seem'd to be upon some Design, which he trusted to more than his Innocence. *Goodman* having been apprehended, and Evidence having been given by him against Sir *John Fenwick* before a Justice of Peace, the Grand Jury and Petty Jury, upon the Trial of Mr. *Peter Cooke*, who was condemn'd upon that Evidence; they saw that what was sufficient to convict Mr. *Cooke* was sufficient to convict Sir *John*, the Evidence being as strong against the one as the other.

Now what Course could be taken? One was a Pretence to make a Discovery, and to get time by sending a Letter over Sea to the King; in which, 'tis said, he inform'd against several, both Lords and Commons, only upon Hearsay: in the mean while saying little that, after the Act of Grace, could touch his own Party, tho it might be presum'd he knew more of them than others.

*Endeavors
to bribe the
Witnesses.*

Another Artifice (and which all this Train seem'd to lead to) was to prevail with one of the Witnesses to withdraw. *Porter* was first try'd; but he was not to be dealt with (as they perceiv'd) no Money would buy him off, nor was he to be wheedled or frighted.

But at length by some means (and what they were, we may guess by their Attempt upon *Porter*) *Goodman* went out of the way.

Which being effected, Sir *John* was safe (since the late Act requires two present Witnesses) for without a Bill of Attainder it was impossible he could fall under the Sentence of Death, as he saith in his last Paper.

This was a more effectual Course than to get two or three who could starve the rest of the Jury: So he gives Direction in his Letter to my Lady *Mary*, if my Memory does not extremely fail me; adding, *That or nothing can save me.*

This Sir *John* depended so much upon, that upon *Goodman's* absconding, he let fall his Pretences of making a Discovery for the present.

*The Bill pass'd
the H. of C.*

But this Bill having pass'd the Commons, was brought up to the Lords; where after a full and long Debate, and before the third Reading, Sir *John* was ask'd what he had to say: he desir'd (as I was inform'd) three things.

*3 things
ask'd by the
Prisoner of
the Lords.*

1. That (according to what had been at first promis'd by the Lords) what he should say in that Court might not be made use of against him in any inferior Court; and also that he might have an Assurance of it from the King (for so he all along call'd him, tho the Paper-writer gives him no other Title than *Prince of Orange*.)

2. That he might have a Pardon before he confess'd.

3. That he might not be made use of as an Evidence after it.

1. Granted.

The King was petition'd by the Lords for the first, and it was granted.

*2. Thought
unreasonable.*

The second, it seems, was thought unreasonable; but yet (as I have heard) so far comply'd with, that he was told, If he made such a Confession as would be satisfactory to that House, they would therein also intercede with the King; and bid him rest assur'd that they did not then doubt of the King's Favour, as to both the last.

*The Bill pass'd
the H. of L.*

But he did not think himself secure, as he said, and so the Bill pass'd.

Thus I have given you, in as few words as I could, the Sum of this long Evidence. What remains but to consider the Circumstances relating to it, so far as I was enabled to learn.

*His Petition
to the
King.*

One main part of which was a Petition deliver'd by the Lords, at the Lady *Mary's* Request, to the King, for a Suspension of the Execution for eight days, to which the Narrative was annex'd, signifying that when time was he had sav'd the King's Life; and besides it was alledg'd that he wanted the Assistance of a Divine. The former was of no force, for this Act (which he now challengeth to himself the benefit of) was a year before the last intended Assassination, and the Assassines were such as he freely and intimately convers'd with afterward; and yet he gave no notice of it to the King, nor to any one else that I could hear of; which if he had, Sir *John* would most certainly have made use of this Pretence in the Paper deliver'd to the Lords, and at his death have justify'd himself upon it. The Neglect of which before, and the Omission of it afterwards, gave too great reason to suspect that it might be with him as it was with *Lowick* and (a) *Rookwood*, who abhor'd the Fact, but thought themselves however oblig'd, contrary even to their own Sense, to obey Orders; according to the Commission which *Crosby* assur'd them he saw sign'd

(a) Vid.

*Rookwood's
Trial, p. 52.*

sign'd by King James at St. Germans, and was sent away for England before he came from thence.

So Knightly abominated the thing as much as any Man living; yet under some honorable and fair Pretence became so far engag'd, that by a mistaken Notion of Honor, he thought he could not retreat without the Infamy of Cowardise; to use his own words, which were read in Court, when he came to be try'd.

The latter Pretence is frivolous [That he had no Ministers] for I have been credibly inform'd that he had first of all the Offer made of any of the Clergy that had taken the Oaths; and among the Bishops such as had dissented about the Bill of Attainder. And when that was not accepted, he had his choice of three or four Non-jurants; and by their Refusal he made it necessary to the Government to permit none at all, or the late Bishop of Peterborough only; since the others that were Nonjurants refus'd to attend him, upon pretence that they might have the Oaths tender'd them, and so stand convicted; a Pretence that Dr. White and all the Nonjurants were alike liable to: But surely when they might have had leave from the Government to go, they might as well rely on the Justice and Honor of the Government, as live under the Protection of it.

Ministers allow'd him, but refus'd by him.

I come now to the last part which I promis'd, which is to make some Reflections upon the Paper which he deliver'd to the Sheriff.

Of what stamp this Writing is, we may easily judg. The artificial Contrivance of it, the little Avoidances and Cautions stuck in every where, shew that they are not the words of one that had no Talent in writing, nor the free and undisguis'd Thoughts of one that was immediately to die. He professes to die in the Communion of the Church of England; but whether this Paper be consistent with the Simplicity and Candor taught and requir'd by that Church, especially in our last hours, let the Reader judg.

Reflections on the Paper deliver'd to the Sheriff.

It doth not mightily concern the World to know what Religion Sir John Fenwick was of. I know no Persuasion over-zealous to challenge him as theirs. I fear he was rather of a Party than of a Religion; and that was the Cause he died in. I acknowledg there was a Design of a Party to have made him a Martyr, as they had contriv'd it: If the second Petition offer'd to the Lords had been receiv'd without Alterations, and when presented to the King, had been intirely comply'd with; if he had been respited for eight days, according to the Petition, he had then suffer'd on the 30th of January, the Anniversary of a noted Martyr of blessed Memory, with whom he was not fit to be so much as nam'd the same day.

More of a Party than of a Religion.

He saith, *My Religion taught me my Loyalty, which, I bless God, is untainted: And I have ever endeavour'd, in the Station wherein I have been plac'd, to the utmost of my Power, to support the Crown of England in the true and lineal Course of Descent without Interruption.*

Now I would know what is meant by the true and lineal Course of Descent? If he means thereby the next in Blood without any Interruption, where is this always to be found? not in our Histories, nor in our Laws. Edward the Confessor (whose Cross was some years since so much reverenc'd by the late King, and who himself was esteem'd a Guardian Saint) broke that lineal Descent both in taking the Crown and leaving it at his death; and whatever is due to the Blood, was never thought absolutely due to the Person, nor to the next in this lineal Course of Descent.

Lineal Succession no where found.

Neither our Religion nor our Law teaches such a kind of Loyalty. It is not our Religion, but the Law that determines our Loyalty as to the Particulars of it; and so far, such as our Law determines our Loyalty to be, such doth our Religion determine it. Now what Law is there to keep a Prince by violence from leaving his People? That requires us to support the Crown on him, who will hold it upon no other Terms, than that his Will and Pleasure may be above it? What Law that obliges us to adhere to and assist him, who, contrary to our Oaths of Allegiance and Supremacy, as well as those at his own Coronation, will subjugate his People to a foreign Prelate or Potentate? And that would put himself wholly in the power of such a Prince, whom above all in the World his People had no reason to expect Favour from? I know no such Law, nor any such Church of England, that teaches such Loyalty in any of those Books that are the Standard of it. And yet this is the Loyalty he (as he professes) dies innocently for, and which he endeavour'd to the utmost of his Power to support.

Loyalty determin'd by Law, not by Religion.

The Pret.
P. of W.

But farther, who is concern'd in this true and lineal Course of Descent? It is in his opinion the pretended Prince of *Wales*; whom he prays for in the Conclusion, and of whom he saith, *it is impossible the Nation should prosper, till the Government is settled upon its right foot.* A Pretence which their way of proof made at the best very doubtful. And we know who once said it, that *in dubiis melior est conditio possidentis.* Certainly we shall be upon a very wrong foot, if we depart from the Act of Settlement.

He goes on, *As for what I am now to die, I call God to witness, I went not to that Meeting in Leadenhall-street with any such Intention, as to invite K. James by Force to invade this Nation; nor was I my self provided with either Horse or Arms, or engag'd for any Number of Men, or gave a particular Consent for any such Invasion, as is most falsely sworn against me.*

The Meeting in Leadenhall-street.

But what is become of the other Meeting at Mrs. Montjoy's? that's perfectly drop'd. And as for this at *Leadenhall-street*, that he cannot deny; nor doth he venture to call that part of the Evidence in question, which speaks to the Time or Persons, or the Matter then discours'd upon.

But what hath he then to say? He came not thither with any Intention to invite King James by Force to invade this Nation. Was this sworn against him? It was not the Intention before-hand, but the subject Matter of the Discourse that was prov'd upon him; if there was nothing of that kind, no Design form'd, no Message or Messenger sent to invite King James, that is as soon deny'd as the Intention. But of that not a word.

But however, he betakes himself to another Shift, viz. *He was not himself provided with either Horse or Arms, or engag'd for any number of Men.* A very doubtful way of Expression! *He was not himself provided*; but what need was there of a present Provision, when the Service was to be at some months distance? Or what if he was not himself provided, if it was to be provided for him? What need of any such Provision, when (as it was confess'd) they were upon the Instant to seize Horse and Arms when occasion should be? And so it was formerly in the Gunpowder Treason.

He saith, he was not engag'd for any Number of Men; but was he not one of those that were to raise 2000 Men in the gross? and it was not necessary the Quota of each particular Person should at that Meeting be set out.

His Consent. He goes on, *Nor did I give particular Consent for any such Invasion*; that is not so charg'd upon him. All rose up and said to Charnock, *Yes you may.* Whether it was general, or whether it was a particular Consent, is not the point. The Consent it seems is not deny'd; and then where the Perjury is, we are yet to seek.

He proceeds, and I do also declare in the presence of God, *That I knew nothing of King James's coming to Calais, nor of any Invasion intended from thence, till it was publickly known: And the only Notion I had that something might be attempted, was from the Thoulon Fleet coming to Brest.*

The Notice the Conspirators had of the Invasion.

If this is true, it is evident the English were trusted with no more of the Secret than was absolutely necessary. It was found fit that the Assassination should lie upon them; it was a desperate piece of Service, and if those forlorn Wretches perish in it, let them perish.

But as to the Invasion, the when and the whence, it was lodg'd with others, to whom the Profits and Advantages of a Conquest were reserv'd. It was sufficient that when these Conspirators heard the Thoulon Fleet was come to Brest, then upon this Signal they were to be in readiness, and with the Horse they had or could seize, were to make their way as they could to the Coast, when they heard their Friends were landed. This, it seems, was the only Notion Sir John, and the rest (I suppose with him) had of the Invasion; and he saith, he knew it not till it was publick.

The Information he gave, he is willing to make the best of in the next Paragraph; for, saith he, *I also call God to witness, that I receiv'd the knowledg of what is contain'd in those Papers, that I gave to a Great Man that came to me in the Tower, both from Letters and Messages that came from France; and he told me when I read them to him, that the Prince of Orange had been acquainted with most of those things before.*

This was what he himself did not believe, when he talk'd of it long before (as one has affirm'd) but yet was pleas'd with it, because it would create Suspensions and Jealousies.

He acquaints us with another part of the Secret, that the Great Man to whom he imparted it, could tell him the Prince of Orange had been acquainted with the most of this before. But what was it? Not that the Great Man knew of these Lords and Commons he accus'd, but of an Intelligence in general that pass'd between England and France.

As

As for his Expectation of Mercy from that Prince whose Life he pretended to have sav'd, it has been already consider'd.

He goes on, as he began, with a profession of his Innocence, the accusing others of seeking his Blood, and charging the Guilt of it upon the whole Nation; for saith he, *I beg of God to pardon those who with great Zeal have sought my Life, and brought the Guilt of my innocent Blood upon this Nation; no Treason being prov'd upon me.*

Other Malefactors may as well accuse the Judges and Juries, and Courts of Justice for seeking their Lives, when they are convicted, condemn'd, and to be executed for their Crimes. But why doth he thus arraign those that were concern'd in the Bill? Was he indeed innocent? Was no Treason prov'd upon him? This he saith, and saith it when he comes to die. And yet if we believe not the Evidence of others only, but himself, it is plainly otherwise. What was the meaning of his Confusion in his Letter to his Lady?

What becomes of his Privy to the first Design of the Assassination, which he did not discover? What of his Offers to confess again and again? What of his owning the Meeting, the Design, &c? How then is he innocent? No, saith he, *no Treason being prov'd upon me.* Was there no Treason in inviting a foreign Force? No Treason in joining with it? No Treason in holding a Correspondence with the greatest Enemies of the Government and Nation? The matter of fact was too plain to be deny'd; and it was of that nature, which in the ordinary Construction of the Law is Treason.

Here then was Guilt, here was Treason. And how then can there be innocent Blood, and of that Malignity as to lie upon the Nation?

It must wholly rest then upon the proof; *no Treason being prov'd upon me.* So that let the Malefactor be ever so guilty, he may protest his Innocence, and charge the Guilt of innocent Blood upon the Nation, if it is not in every Punctilio prov'd upon him. And yet this is all his Innocence is supported upon, as appears by what follows, *viz. I return my most hearty Thanks to those Noble and Worthy Persons who gave me their Assistance, by opposing this Bill of Attainder; without which it had been impossible I could have fallen under the Sentence of Death.*

Why impossible? Might he not expect as much Justice from both Houses of Parliament, as from the Ministers of Justice, and the Juries in the inferior Courts? Had he not the Privilege of being heard by his Counsel, and the Favour of all that could be said in his behalf by those Noble and Worthy Persons that in both Houses were against the Bill? Was he not himself heard and re-heard to the very utmost, and had all the Advantages allow'd that one that stood thus accus'd could, and more than he could reasonably expect? Why was it then impossible? The Reason is evident, because the other Witness was withdrawn; and according to the late Act, one in the ordinary Course of Law being not sufficient, how clear soever the Proof otherwise was, therefore without the Bill of Attainder it was impossible. And thus we see at last upon what point his Profession of Innocency turns, and that he dies with the Charge of the Guilt of his innocent Blood upon the Nation; and that is because of the Attainder: and then all Attainders must be condemn'd; and if so, he is innocent: but if that Course of Law is to be justified, as surely it is (and has been before shew'd) then he is guilty, and the Treason clearly and sufficiently prov'd upon him. So that upon the whole, there is little else than Reservation and Equivocation; the Defence of which we leave to another Church, for that belongs not to the Church he professes to die a Member of.

If we were to construe his words (if his they were, otherwise than he made them such by his owning of them) according to the Contrivance of the rest, which are so full of Ambiguity and abstruse and doubtful meaning; those Noble and Worthy Persons who have his Thanks, are no more beholden to him, than the others he charges with seeking his Life, when he saith of them, *I am fully satisfied they pleaded their own Cause when they pleaded mine.* But whatever he meant, those Noble and Worthy Persons have given too great Assurances of being otherwise inclin'd, to have any thing of that nature made use of to their disadvantage.

He concludes with a Prayer; but it is also a fixing on himself the Fact he stood charg'd with and died for: it is for the abdicated King and the spurious Prince; that is, for the maintaining of that Cause, which, he saith, he endeavour'd to his utmost power to promote.

Upon the whole it appears by his and his Friends Conduct, as well as by his Treasonable Practices, he had made it necessary to the Government to let the Sentence

The Clemency of the Government abus'd.

take effect. It was the Clemency of the Government that has embolden'd the Enemies of it to proceed the more confidently in these Practices; and at length to conclude, that because it did not, it therefore durst not punish them.

I know not how to conclude better than in the words of Parliament, in their late Act for better Security of his Majesty's Royal Person and Government; it saith, They have been deliver'd from the bloody and barbarous Attempts of Traitors and others his Majesty's Enemies, who, there is just reason to believe, have been in great measure encourag'd to undertake and prosecute such their wicked Designs, partly by his Majesty's great and undeserv'd Clemency towards them, and partly by want of a sufficient Provision in the Law for securing Offices and Places of Trust to such as are well affected to his Majesty's Government, and for the repressing and punishing such as are known to be disaffected to the same.

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1697.

An ARGUMENT shewing, That a Standing Army is inconsistent with a Free Government, and absolutely destructive to the Constitution of the English Monarchy.

DEDICATION,

To all those whom it may concern.

Qui capit ille facit.

Invective
against the
Courtiers.

WHEN I consider your great Zeal to your Country, how much you have expos'd your selves for its Service, and how little you have improv'd your own Fortunes, I think it is but Justice to your Merits to make your Encomiums the Preface to the following Discourse. 'Tis you that have abated the Pride, and reduc'd the Luxury of the Kingdom: You have been the Physicians and Divines of the Commonwealth, by purging it of that Dross and Dung, which corrupts the Minds, and destroys the Souls of Men. You have convinc'd us, that there is no Safety in Counsellors, nor Trust to be put in Ships under your Conduct.

You have clear'd the Seas, not of Pirates, but of our own Merchants, and by that means have made our Prisons as so many Store-houses to replenish your Troops. In fine, to use the Expression of the Psalmist, Your Hearts are unsearchable for Wisdom, and there is no finding out your Understanding. When I consider all this, and compare your Merits with your Preferments, how you came by them, and your Behaviour in them, I cannot but think a Standing Army a collateral Security to your Title to them, and therefore must commend your Policy in promoting it. For by these Kings reign, and Princes decree Justice. These will be our Magistrates, who will not bear the Sword in vain. These, like the Sons of Aaron, will wear their Urim and Thummim on their Backs and Breasts, and will be our Priests, who will bew the Sinners to pieces, as Samuel did Agag before the Lord in Gilgal. By these you will be able to teach us Passive Obedience, as Men having Authority, and not as the Scribes.

Scribes. You will have your Reasons in your Hands against resisting the higher Powers, and will prove your Jus Divinum by the Sword of the Lord and of Gideon.

Your Honours most obedient Slave and Vassal,

A. B. C. D. E. F. G.

An Argument shewing, That a Standing Army is inconsistent with a Free Government, &c.

WHEN I consider what a dismal Scene of Blood and Desolation hath appear'd upon the Theatre of *Europe* during the Growth and Progress of the *French* Power, I cannot sufficiently applaud and admire our thrice happy Situation, by which we have long enjoy'd an uninterrupted Course of Peace and Prosperity, whilst our neighbouring Nations have been miserably harass'd by perpetual War : For lying open to continual Invasion, they can never enjoy Quiet and Security, nor take a sound sleep, but *Hercules* like with Clubs in their hands. So that these *Halcyon* Days which we enjoy amidst such a universal Hurricane, must be solely attributed to our Tutelar God *Neptune*, who with a Guard of winged Couriers so strongly intrenches us, that we may be said to be *mediâ insuperabiles undâ*, and not unfitly compar'd to the Earth, which stands fix'd and immovable, and never to be shaken but by an internal Convulsion. And as Nature has been thus liberal to us in our Situation, so the Luxuriancy of our Soil makes it productive of numerous Commodities for Trade and Commerce : And as this Trade renders us Masters of the Silver and Gold of the East and West without our toiling in the Mine, so it breeds us multitudes of able-body'd and skilful Seamen to defend the Treasures they bring home ; that even Luxury it self, which has been the Bane and Destruction of most Countries where it has been predominant, may in some measure be esteem'd our Preservation, by breeding up a Race of Men amongst us, whose manner of Life will never suffer them to be debauch'd or enervated with Ease or Idleness. But we have one thing more to boast of besides all these Felicities, and that is, of being Freemen, and not Slaves in this unhappy Age, when a universal Deluge of Tyranny has overspread the face of the whole Earth ; so that this is the Ark out of which if the Dove be sent forth, she will find no resting-place till her Return.

Advantages of our Situation.

Our Constitution is a limited mix'd Monarchy, where the King enjoys all the Prerogatives necessary to the Support of his Dignity, and Protection of his People, and is only abridg'd from the Power of injuring his own Subjects : In short, the Man is loose, and the Beast only bound ; and our Government may truly be call'd an Empire of Laws, and not of Men ; for every Man has the same Right to what he can acquire by his Labour and Industry, as the King hath to his Crown, and the meanest Subject hath his Remedy against him in his Courts at *Westminster* : No man can be imprison'd, unless he has transgress'd a Law of his own making, nor be try'd but by his own Neighbors. So that we enjoy a Liberty scarce known to the antient *Greeks* and *Romans*.

The Constitution, a limited Monarchy.

And lest the extraordinary Power intrusted in the Crown should lean towards Arbitrary Government, or the tumultuary Licentiousness of the People should incline towards a Democracy, the Wisdom of our Ancestors hath instituted a middle State, viz. of Nobility, whose Interest it is to trim this Boat of our Commonwealth, and to skreen the People against the Insults of the Prince, and the Prince against the Popularity of the Commons ; since if either Extreme prevail so far as to oppress the other, they are sure to be overwhelm'd in their Ruin. And the meeting of these three States in Parliament is what we call our Government : for without all their Consents no Law can be made, nor a penny of Money levy'd upon the Subjects ; so that the King's Necessities do often oblige him to summon this Court,

Court, which is the Grand Inquest of the Kingdom, where the People speak boldly their Grievances, and call to account overgrown Criminals, who are above the reach of ordinary Justice: so that the Excellence of this Government consists in the due Balance of the several constituent Parts of it; for if any one of them should be too hard for the other two, there is an actual Dissolution of the Constitution; but whilst we continue in our present Condition, we may without vanity reckon our selves the happiest People in the World.

Some Defects in our Government.

But as there is no degree of human Happiness that is not accompanied with some Defects, and the strongest Constitutions are most liable to certain Diseases; so the very Excellence of our Government betrays it to some Inconveniences, the Wheels and Motions of it being so curious and delicate that it is often out of order, and therefore we ought to apply our utmost Endeavours to rectify and preserve it: and I am afraid it is more owing to the accident of our Situation, than to our own Wisdom, Integrity or Courage, that it has yet a Being, when we see most Nations in Europe over-run with Oppression and Slavery, where the Lives, Estates and Liberties of the People are subject to the lawless Fancy and Ambition of the Prince, and the Rapine and Insolence of his Officers; where the Nobility, that were formerly the bold Assertors of their Country's Liberty, are now only the Ensigns and Ornaments of the Tyranny, and the People Beasts of Burden, and barely kept alive to support the Luxury and Prodigality of their Masters.

Liberty lost in several Nations.

And if we enquire how these unhappy Nations have lost that precious Jewel Liberty, and we as yet preserv'd it, we shall find their Miseries and our Happiness proceed from this, That their Necessities or Indiscretion have permitted a Standing Army to be kept amongst them, and our Situation rather than our Prudence hath as yet defended us from it, otherwise we had long since lost what is the most valuable thing under Heaven: For, as I said before, our Constitution depending upon a due Balance between King, Lords and Commons, and that Balance depending upon the mutual Occasions and Necessities they have of one another; if this Cement be once broke, there is an actual Dissolution of the Government. Now this Balance can never be preserv'd but by a union of the natural and artificial Strength of the Kingdom, that is, by making the Militia to consist of the same Persons as have the Property; or otherwise the Government is violent and against Nature, and cannot possibly continue, but the Constitution must either break the Army, or the Army will destroy the Constitution: for it is universally true, that wherever the Militia is, there is or will be the Government in a short time; and therefore the Institutors of this Gothic Balance (which was establish'd in all Parts of Europe) made the Militia to consist of the same Parts as the Government, where the King was General, the Lords by virtue of their Castles and Honours the great Commanders, and the Freeholders by their Tenures the Body of the Army; so that it was next to impossible for an Army thus constituted to act to the Disadvantage of the Constitution, unless we could suppose them to be Felons *de se*. And here I will venture to assert, that upon no other Foundation than this can any Nation long preserve its Freedom, unless some very particular Accidents contribute to it: and I hope I shall make it appear, that no Nation ever preserv'd its Liberty, that maintain'd an Army otherwise constituted within the Seat of their Government: and let us flatter our selves as much as we please, what happen'd yesterday will come to pass again, and the same Causes will produce like Effects in all Ages.

Patriots in the late Reign for a Standing Army now.

And here I can't avoid taking notice of some Gentlemen, who a few Years since were the pretended Patriots of their Country, who had nothing in their Mouths but the sacred name of Liberty, who in the late Reigns could hardly afford the King the Prerogative that was due to him, and which was absolutely necessary to put in motion this Machine of our Government, and to make the Springs and Wheels of it act naturally, and perform their Function: I say, these Gentlemen that could not with patience hear of the King's ordinary Guards, can now discourse familiarly of twenty thousand Men to be maintain'd in times of Peace; and the odious Excuse they give for this infamous Apostacy is, That if they should not gratify the Court in this modest Request, another Party would be caressed who will grant this, or any thing else which is ask'd, and then they say Matters will be much worse; as if Arbitrary Government was a different thing in their hands from what it is in others, or that the Lineaments and Features of Tyranny would become graceful and lovely when they are its *Valet de Chambers*. But let them not deceive themselves, for if they think to make their Court this way, they will quickly find themselves out-flatter'd by the Party they fear, who have been long the Darlings of Arbitrary Power,

Power, and whose Principles as well as Practices teach them to be Enemies to all the legal Rights and just Liberties of their native Country; and so these wretched Bunglers will be made use of only to bring together the Materials of Tyranny, and then must give place to more expert Architects to finish the Building.

And tho we are secure from any Attempts of this kind during the Reign of a Prince, who hath rescu'd us from a Captivity, equal to what *Moses* redeem'd the People of *Israel* from; A Prince whose Life is so necessary to the preservation of *Europe*, that both Protestant and Popish Princes have forgot their antient Maxims, and laid aside their innate Animosities, and made it their common Interest to chuse him their Patron and Protector; A Prince in whom we know no Vices, but what have been esteem'd Virtues in others, viz. his undeserv'd Clemency to his Enemies, and his exposing too much that Life upon which depends not only our Safety, but the Liberties of all *Europe*, and the Protestant Religion through the World: I say, was this most excellent Prince to be immortal (as his Great and Glorious Actions) we ought in common prudence to abandon all thoughts of Self-preservation, and wholly to rely on his Care and Conduct. But since no Virtue nor pitch of Glory will exempt him from paying the common Debt to Nature; and Death hath a Sythe which cuts off the most noble Lives; we ought not to intrust any Power with him, which we don't think proper to be continu'd to his Successors. And doubtless our great Benefactor will not regret this, or any thing else that can reasonably be demanded in order to compleat that Deliverance so far advanc'd by his invincible Courage and Conduct. For to set us, like *Moses*, within view of the promis'd Land, with a *ne plus ultra*, is the greatest of all human Infelicities; and such I shall always take our Case to be, whilst a Standing Army must be kept up to prey upon our Entrails, and which must in the hands of an ill Prince (which we have the misfortune frequently to meet with) infallibly destroy our Constitution. And this is so evident and important a Truth, that no Legislator ever founded a free Government, but avoided this *Charybdis*, as a Rock against which his Commonwealth must certainly be shipwrack'd, as the *Israelites*, *Athenians*, *Corinthians*, *Achaians*, *Lacedaemonians*, *Thebans*, *Samnites* and *Romans*; none of which Nations, whilst they kept their Liberty, were ever known to maintain any Soldier in constant pay within their Cities, or ever suffer'd any of their Subjects to make War their Profession; well knowing that the Sword and Sovereignty always march hand in hand; and therefore they trained their own Citizens, and the Territories about them, perpetually in Arms, and their whole Commonwealths by this means became so many several formed Militias: A general Exercise of the best of their People in the use of Arms, was the only Bulwark of their Liberties; this was reckon'd the surest way to preserve them both at home and abroad, the People being secur'd thereby as well against the domestick Affronts of any of their own Citizens, as against the foreign Invasions of ambitious and unruly Neighbours. Their Arms were never lodg'd in the hands of any who had not an Interest in preserving the Publick Peace, who fought *pro aris & focis*, and thought themselves sufficiently paid by repelling Invaders, that they might with freedom return to their own Affairs. In those days there was no difference between the Citizen, the Soldier, and the Husbandman; for all promiscuously took Arms when the Publick Safety requir'd it, and afterwards laid 'em down with more alacrity than they took them up: So that we find among the *Romans*, the best and bravest of their Generals came from the Plough, contentedly returning when the Work was over, and never demanding their Triumphs till they had laid down their Commands, and reduc'd themselves to the state of private Men. Nor do we find that this famous Commonwealth ever permitted a Deposition of their Arms in any other Hands, till their Empire increasing, Necessity constrain'd them to erect a constant stipendiary Soldiery abroad in foreign Parts, either for the holding or winning of Provinces. Then Luxury increasing with Dominion, the strict Rule and Discipline of Freedom soon abated, and Forces were kept up at home, which soon prov'd of such dangerous Consequence, that the People were forc'd to make a Law to employ them at a convenient distance; which was, that if any General march'd over the River *Rubicon*, he should be declar'd a publick Enemy: And in the Passage of that River this following Inscription was erected; *Imperator siue miles, siue Tyrannus armatus quisquis sistito, vexillum armaq; deponito, nec citra hunc amnem trajicito.* And this made *Cesar*, when he had presum'd to pass this River, to think of nothing but pressing on to the total oppression of that glorious Empire.

The Nation
secure from
Fears du-
ring the
King's
Life.

All Legis-
lators a-
gainst
Standing
Armies.

Nor,

Nor, as I said before, did any Nation deviate from these Rules but they lost their Liberty; and of this kind there are infinite Examples, out of which I shall give a few in several Ages, which are most known, and occur to every ones reading.

How the
Athenians
lost their
Liberty.

The first Example I shall give is of *Pisistratus*, who artfully prevailing with the *Athenians* to allow him fifty Guards for the defence of his Person, he so improv'd that Number, that he seiz'd upon the Castle and Government, destroy'd the Commonwealth, and made himself Tyrant of *Athens*.

The Corin-
thians.

The *Corinthians* being in apprehension of their Enemies, made a Decree for four hundred Men to be kept to defend their City, and gave *Tymophanes* the Command over them, who overturn'd their Government, cut off all the principal Citizens, and proclaim'd himself King of *Corinth*.

Agathocles being Captain-General of the *Syracusians*, got such an Interest in the Army, that he cut all the Senators to pieces, and the richest of the People, and made himself their King.

The Ro-
mans.

The *Romans* for fear of the *Teutones* and *Cimbri*, who like vast Inundations threatned their Empire, chose *Marius* their General; and, contrary to the Constitution of their Government, continu'd him five Years in his Command, which gave him such opportunity to insinuate, and gain an Interest in their Army, that he oppress'd their Liberty: And to this were owing all the Miseries, Massacres and Ruins which that City suffer'd under him and *Sylla*, who made the best Blood in the World run like Water in the Streets of *Rome*, and turn'd the whole City into a Shambles of the Nobility, Gentry and People.

The same thing enabled *Cesar* totally to overthrow that famous Commonwealth; for the prolongation of his Commission in *Gaul*, gave him an opportunity to debauch his Army, and then upon a pretended Disgust he march'd to *Rome*, drove out the Senators, seiz'd the Treasury, fought their Forces, and made himself perpetual Dictator.

Olivarotto di Fermo desir'd leave of his fellow Citizens, that he might be admitted into their Town with a hundred Horse of his Companions; which being granted, he put to the Sword all their principal Citizens, and proclaim'd himself their Prince.

Francis Sforza being General of the *Milanese*, usurp'd upon them, and made himself Duke of *Milan*.

Christiern
King of
Denmark.

After *Christiern* the Second King of *Denmark* had conquer'd *Sweden*, he invited all the Senators and Nobility to a magnificent Entertainment, where after he had treated them highly for two days, he most barbarously butcher'd them. None escap'd this Massacre but the brave *Gustavus Ericson*, who was then a Prisoner; but he afterwards escaping through a thousand Difficulties, by his good Fortune, Courage and Conduct, drove the *Danes* out of *Sweden*, and restor'd the *Swedes* to their antient Kingdom. Nothing then was thought too great for their generous Deliverer, every Mouth was full of his Praises, and by the universal Voice of the People he was chosen their King. And to consummate the last Testimony of their Gratitude, they trusted him with an Army; but they soon found their Mistake, for it cost them their Liberty; and having granted that *unum magnum*, it was too late to dispute any thing else: His Successors having been pleas'd to take all the rest, and now they remain the miserable Examples of too credulous Generosity.

The Story of *Denmark* is so generally known, and so well related by a late excellent Author, that it would be impertinence in me to repeat it; only this I will observe, that if the King had not had an Army at his Command, the Nobles had never deliver'd up their Government.

Oliver
Cromwel.

Our Country-man *Oliver Cromwel* turn'd out that Parliament under which he serv'd, and who had got immortal Honor through the whole World by their great Actions; and this he effected by the Assistance of an Army, which must be allow'd to have had as much Virtue, Sobriety, and publick Spirit, as hath been known in the World since amongst that sort of Men.

The last Instance I shall give, is of a *French* Colony, as I remember in the *West-Indies*, who having War with the neighbouring *Indians*, and being tired in their March with the extremity of Heat, made their Slaves carry their Arms; who taking that opportunity, fell upon them and cut them to pieces, a just Punishment for their Folly. And this will always be the Fate of those that trust their Arms out of their hands; for it is a ridiculous Imagination to conceive Men will be Servants,

when

when they can be Masters. And as Mr. Harrington judiciously observes, Whatever Nation suffers their Servants to carry their Arms, their Servants will make them hold their Trenchers.

Some People object, that the Republicks of *Venice* and *Holland* are Instances to disprove my Assertion, who both keep great Armies, and yet have not lost their Liberty.

I answer, That neither keep any standing Forces within the Seats of their Government, that is, within the City of *Venice*, or the great Towns of the *United Provinces*; but they defend these by their own Burghers, and quarter their Mercenaries in their conquer'd Countries, viz. the *Venetians* in *Greece* and the Continent of *Italy*, and the *Dutch* in *Brabant* and *Flanders*. And the situation of these States makes their Armies, so posted, not dangerous to them; for the *Venetians* cannot be attack'd without a Fleet, nor the *Dutch* be ever conquer'd by their own Forces, their Country being so full of strong Towns, fortify'd both by Art and Nature, and defended by their own Citizens, that it would be a fruitless Attempt for their own Armies to invade them; for if they should march against any of their Cities, 'tis but shutting up their Gates, and the Design is spoil'd.

The Venetians and Hollanders have preserv'd their Liberties, and how.

But if we admit that an Army might be consistent with Freedom in a Commonwealth, yet it is otherwise in a free Monarchy: for in the former 'tis wholly in the disposal of the People, who nominate, appoint, discard, and punish the Generals and Officers as they think fit, and 'tis certain Death to make any attempt upon their Liberties; whereas in the latter, the King is perpetual General, may model the Army as he pleases, and it will be call'd High-Treason to oppose him.

And tho some Princes, as the Family of the *Medices*, *Lewis* the Eleventh, and others, laid the Foundation of their Tyrannies without the immediate assistance of an Army, yet they all found an Army necessary to establish them; or otherwise a little experience in the People of the change of their Condition, would have made them disgorge in a Day that ill-gotten Power they had been acquiring for an Age.

Standing Armies have laid the Foundation of Tyranny.

This Subject is so self-evident, that I am almost ashamed to prove it: for if we look through the World, we shall find in no Country, Liberty and an Army stand together; so that to know whether a People are free or Slaves, it is necessary only to ask, Whether there is an Army kept amongst them? and the Solution of that preliminary Question resolves the Doubt: as we see in *China*, *India*, *Tartary*, *Persia*, *Ethiopia*, *Turkey*, *Morocco*, *Muscovy*, *Austria*, *France*, *Portugal*, *Denmark*, *Sweden*, *Tuscany*, and all the little Principalities of *Germany* and *Italy*, where the People live in the most abandon'd Slavery; and in Countries where no Armies are kept within the Seat of their Government, the People are free, as *Poland*, *Biscay*, *Switzerland*, the *Grisons*, *Venice*, *Holland*, *Genoa*, *Geneva*, *Ragusa*, *Algiers*, *Tunis*, *Hamborough*, *Lubeck*; all the free Towns in *Germany*, and *England* and *Scotland* before the late Reigns. This Truth is so obvious, that the most barefac'd Advocates for an Army do not directly deny it, but qualify the Matter by telling us, that a Number not exceeding 15 or 20000 Men, are a handful to so populous a Nation as this. Now I think that Number will bring as certain Ruin upon us as if they were as many Millions, and I will give my Reasons for it.

It's the Misfortune of all Countries, that they sometimes lie under an unhappy necessity to defend themselves by Arms against the Ambition of their Governors, and to fight for what's their own; for if a Prince will rule us with a Rod of Iron, and invade our Laws and Liberties, and neither be prevail'd upon by our Miseries, Supplications or Tears, we have no Power upon Earth to appeal to, and therefore must patiently submit to our Bondage, or stand upon our own Defence; which if we are enabled to do, we shall never be put upon it, but our Swords may grow rusty in our hands: for that Nation is surest to live in Peace, that is most capable of making War; and a Man that hath a Sword by his side, shall have least occasion to make use of it. Now I say, if the King hath twenty thousand Men before hand with us, or much less than half that Number, the People can make no Effort to defend their Liberties without the Assistance of a foreign Power, which is a Remedy most commonly as bad as the Disease; and if we have not a Power within our selves to defend our Laws, we are no Government.

For *England* being a small Country, few strong Towns in it, and those in the King's Hands, the Nobility disarm'd by the destruction of Tenures, and the Militia not to be rais'd but by the King's Command, there can be no Force levied in any part of *England*, but must be destroy'd in its Infancy by a few Regiments: For

The Case of England as to a Standing Force.

what will three or four thousand naked unarm'd Men signify against as many Troops of mercenary Soldiers? What if they should come into the Field, and say you must chuse these and these Men your Representatives, where is your Choice? What if they should say, Parliaments are seditious and factious Assemblies, and therefore ought to be abolish'd; what is become of your Freedom? Or if they should encompass the Parliament House, and threaten if they do not surrender up their Government, they will put them to the Sword; What is become of the old *English* Constitution? These things may be, and have been done in several Parts of the World. What is it that causeth the Tyranny of the *Turks* at this day, but Servants in Arms? What is it that preserv'd the glorious Commonwealth of *Rome*, but Swords in the hands of its Citizens?

And if besides this, we consider the great Prerogatives of the Crown, and the vast Interest the King has and may acquire by the distribution of so many profitable Offices of the Household, of the Revenue, of State, of Law, of Religion, and the Navy, together with the Assistance of a powerful Party, who have been always the fast and constant Friends to Arbitrary Power, whose only Quarrel to his present Majesty is, that he has knock'd off the Chains and Fetters they thought they had lock'd fast upon us; a Party, who hath once engag'd us in an unhappy Quarrel amongst our selves (the Consequence of which I dread to name) and since in a tedious and chargeable War, at the vast expence of Blood and Treasure, to avoid that Captivity they had prepar'd for us: I say, if any one considers this, he will be convinc'd we have enough to do to guard our selves against the Power of the Court, without having an Army thrown into the Scale against us. And we have found oftner than once by too fatal Experience the truth of this; for if we look back to the late Reigns, we shall see this Nation brought to the brink of Destruction, and breathing out the last gasp of their Liberty; and it is more owing to our good Fortune, than to any Effort we were able to make, that we escap'd the fatal Blow.

And I believe no Man will deny, but if *Charles* the First had had five thousand Men before-hand with us, the People had never struck a stroke for their Liberties; or if the late King *James* would have been contented with Arbitrary Power without bringing in Popery, but he and his black Guard would have bound us hand and foot before this time: But when their ill-contriv'd Oppression came home to their own Doors, they quickly shew'd the World how different a thing it was to suffer themselves, and to make other People suffer, and so we came by our Deliverance. And tho the late King had the Nobility, Gentry, Clergy, People, and his own Army against him, and we had a very wise and courageous Prince nearly related to the Crown, and back'd by a powerful State, for our Protector, yet we account this Revolution next to a Miracle.

Cromwel's
Case, and
others.

I will add here, that most of the Nations I instanced before were enslav'd by small Armies: *Oliver Cromwel* left behind him but 27000 Men; and the Duke of *Monmouth*, who was the Darling of the People, was suppress'd with two thousand; nay, *Cesar* seiz'd *Rome* it self with five thousand, and fought the Battel of *Pharsalia*, where the Fate of the World was decided, with twenty two thousand: And most of the Revolutions of the Roman and Ottoman Empires since were caus'd by the Pretorian Bands, and the Court Janizaries, the former of which never exceeded eight, nor the latter twelve thousand Men. And if no greater Numbers could make such Disturbances in those vast Empires, what will double the Force do with us? And they themselves confess it when they argue for an Army; for they tell us we may be surpriz'd with ten or fifteen thousand Men from *France*, and having no regular Force to oppose them, they will over-run the Kingdom. Now if so small a Force can oppose the King, the Militia, with the united Power of the Nobility, Gentry and Commons, what will an equal Power do against the People, when supported by the Royal Authority, and a never-failing Interest that will attend it, except when it acts for the Publick Good?

Pretences
for the
Standing
Army exam-
in'd.

But we are told, this Army is not design'd to be made a part of our Constitution, but to be kept only for a little time, till the Circumstances of *Europe* will better permit us to be without them. But I would know of these Gentlemen, when they think that Time will be? Will it be during the Life of King *James*, or after his Death? Shall we have less to fear from the Youth and Vigor of the pretended *Pr. of Wales*, than now from an unhappy Man sinking under the Load of Age and Misfortunes? Or will *France* be more capable of offending us just after this tedious and consumptive War, than hereafter when it has had a breathing time to repair the

he Calamities it has suffer'd by it? No: we can never disband our Army with so much Safety as at this time; and this is well known by these Conspirators against their Country, who are satisfy'd that a Continuation of them now, is an Establishment of them for ever: for whilst the Circumstances of *Europe* stand in the present Posture, the Argument will be equal to continue them; if the State of *Europe* should alter to the Advantage of *France*, the Reason will grow stronger, and we shall be told we must increase our Number. But if there should be such a turn of Affairs in the World, that we were no longer in apprehension of the *French* Power, they may be kept up without our Assistance; nay, the very Discontents they may create shall be made an Argument for the continuing of them. But if they should be kept from oppressing the People, in a little time they will grow habitual to us, and almost become a part of our Constitution, and by degrees we shall be brought to believe them not only not dangerous, but necessary: for every body sees, but few understand; and those few will never be able to persuade the Multitude that there is any danger in those Men they have liv'd quietly with for some years, especially when the disbanding them will (as they will be made believe) cost them more Money out of their own pockets than to maintain a Militia; and of this we have had already an unhappy Experience. For *Charles* the Second being conniv'd at in keeping a few K. Ch. II. conniv'd at in keeping Guards. Guards (which were the first ever known to an *English* King besides his Pensioners, and his Beef-eaters) he insensibly increased their number, till he left a body of Men to his Successor great enough to tell the Parliament, he would be no longer bound by the Laws he had sworn to; and under the Shelter and Protection of these he rais'd an Army that had put a period to our Government, if a Complication of Causes (which may never happen again) had not presented the Prince of *Orange* with a Conjuncture to assert his own and the Nation's Rights. And tho we have so lately escap'd this Precipice, yet Habit has made Soldiers so familiar to us, that some who pretend to be zealous for Liberty, speak of it as a hardship to his present Majesty, to refuse him as many Men as his Predecessors, not considering that the raising them then was a Violation of our Laws, and that his Government is built upon the Destruction of theirs, and can no more stand upon the same rubbish, than the Kingdom of Heaven be founded in Unrighteousness.

But the Conspirators say, we need be in no Apprehensions of Slavery whilst we keep the Power of the Purse in our own hands: which is very true; but they do not tell us that he has the power of raising Money, to whom no one dares refuse it.

*Arma tenenti
Omnia dat qui justa negat.*

For 'tis as certain that an Army will raise Money, as that Money will raise an Army; but if this course should be thought too desperate, 'tis only shutting up the Exchequer, and disobliging a few Tally-Jobbers (who have bought them for fifty *per cent.* discount) and there will be near three Millions a Year ready cut and dry'd for them: and whoever doubts whether such a Method as this is practicable, let him look back to the Reign of *Charles* the Second. And I am afraid the Officers of the Exchequer have not much reason to value themselves for their Payments in this Reign: at least the Purchasers of the Annuities are of that opinion, and would be apt to entertain some unseasonable Suspicions, if they had not greater Security from his Majesty's Virtue, than the Justice of such Ministers. But if we could suppose (whatever is the fate of other Countries) that our Courtiers design nothing but the publick Good, yet we ought not to hazard such unusual Virtue, by leading it into Temptation, which is part of our daily Duty to pray against. But I am afraid we don't live in an Age of Miracles, especially of that sort; our Heroes are made of a coarser Allay, and have too much Dross mix'd with their Constitutions for such refin'd Principles: for in the little Experience I have had in the World, I have observ'd most Men to do as much Mischief as lay in their power, and therefore am for dealing with them as we do with Children and Mad-men, that is, take away all Weapons by which they may do either themselves or others an Injury: And I think the Sheep in *Boccaline* made a prudent Address to *Apollo*, when they desir'd, that for the future Wolves might have no Teeth.

When all other Arguments fail, they call to their Assistance the old Tyrant Necessity, and tell us the Power of *France* is so great, that let the Consequence of an Army be what it will, we cannot be without one; and if we must be Slaves, we had better be so to a Protestant Prince than a Popish one, and the worst of all Popish The Pre- tence of Necessity ex- amin'd. ones,

ones, the *French* King. Now I am of Mr. *Johnson's* Opinion, that the putting an Epithet upon Tyranny is false Heraldry; for Protestant and Popish are both alike; and if I must be a Slave, it is very indifferent to me who is my Master, and therefore I shall never consent to be rul'd by an Army, which is the worst that the most barbarous Conquest can impose upon me; which notwithstanding we have little reason to fear whilst we keep the Seas well guarded.

Our Naval
Force our
chief
Strength.

It is certain there is no Country so situated for Naval Power as *England*. The Sea is our Element, our Seamen have as much hardy Bravery, and our Ships are as numerous, and built of as good Materials as any in the World: Such a Force well apply'd and manag'd is able to give Laws to the Universe; and if we keep a competent part of it well arm'd in times of Peace, it is the most ridiculous thing in nature to believe any Prince will have thoughts of invading us, unless he proposes to be superiour to us in Naval Power: For the Preparations necessary for such an Undertaking will alarm all *Europe*, give both to us and our Confederates time to arm, and put our selves in a Posture of defence. And whoever considers that the Prince of *Orange* with six hundred Ships brought but fourteen thousand Men, and the mighty *Spanish Armado* (then the Terror of the World) imbarc'd but eighteen thousand, will be assur'd that no Invasion can be so sudden upon us, but we shall have time to get ready our whole Fleet, bring some Forces from *Holland* and *Ireland*, and prepare our own Militia if there shall be occasion for it; especially in times of Peace, when we shall have the Liberty of all the Ports of *France*, and shall or may have intelligence from every one of them.

Want of
Wind con-
sider'd.

But they tell us such a Wind may happen as may be favourable to our own Enemy, and keep us within our Ports; which I say, as *France* lies to *England*, is almost impossible: for if we lie about *Falmouth*, or the Land's end, no Fleet from *Brest* or the Ocean can escape us without a Miracle; and if the Design be to invade us from any Port in the Channel, a very few Ships (which may safely lie at Anchor) will certainly prevent it. Nor is it to be conceiv'd that that cautious Prince will be at a vast Expence for the Contingency of such a critical Wind, or will send an Army into a Country where their Retreat is certainly cut off, when the failing in any part of his Design will bring a new War upon him, which lately cost a third part of his People, a great many large Countries and strong Towns, with all the Honor he had heap'd up by his former Victories, to get rid of.

And here I must confess, that the Misapplication of our Naval Force (which is our known Strength) for these last eight years, is the strongest, as it is the most usual Argument against me: which unriddles a Mystery I did not understand before, tho I never was so foolish as to believe all the Errors of that kind were the Effects of chance or ignorance, or that losing so many Opportunities of destroying the *French* Fleet had not some extraordinary, tho occult Cause; and yet notwithstanding the restless Attempts of our Enemies, and the paltry Politicks of our own wretched Statesmen, this Fleet triumphantly defended us, so that our Enemies in eight Years War could not get one opportunity of invading our Country.

Objections
from Cor-
ruption of
Officers and
Storms, an-
swer'd.

It's objected, that the Officers of our Fleet may be corrupted, or that a Storm may arise which may destroy it all at once, and therefore we ought to have two strings to our Bow. By which I perceive all their Fears lie one way, and that they do not care if they precipitate us into inevitable Ruin at home, to prevent a distant Possibility of it from *France*. But I think this Phantom too may be laid by a well-train'd Militia, and then all their Bugbears will vanish. This word can be no sooner out, but there's a volley of small Shot let fly at me: What! must we trust our Safety to an undisciplin'd Mob, who never dreamt of fighting when they undertook the Service; who are not inur'd to the Fatigue of a Camp, or ever saw the Face of an Enemy? And then they magnify mercenary Troops; as if there was an intrinsic Virtue in a red Coat, or that a Raggamuffin from robbing of Henroosts, in two Campaigns, could be cudgel'd into a Hero. Tho I must confess the Conduct of the Court in industriously enervating this Force, does in some measure justify their Objections: For the detestable Policies of the last Reigns were with the utmost Art and Application to disarm the People, and make the Militia useless, to countenance a standing Army in order to bring in Popery and Slavery; and if any Methods were propos'd to make it more serviceable, the Court would never suffer them to be debated; and such Officers as were more zealous in exercising their Companies than others, were reprimanded, as designing to raise a Rebellion. And now the worthy Patriots of this Reign are taking advantage of the traitorous Neglect and infamous Policies of the last. But why may not a Militia be made useful? Why may not the Nobil-

Nobility, Gentry, and Freeholders of *England* be trusted with the Defence of their own Lives, Estates and Liberties, without having Guardians and Keepers assign'd them? And why may they not defend them with as much Vigour and Courage as Mercenaries who have nothing to lose, nor any other Tie to engage their Fidelity, than the inconsiderable pay of Six-pence a Day, which they may have from the Conqueror?

Why may not the Laws for shooting in Crossbows be chang'd into Firelocks, and a competent Number of them be kept in every Parish for the young Men to exercise with on Holidays, and Rewards offer'd to the most expert, to stir up their Emulation?

Why may not the whole Militia of *England* be reduc'd to sixty thousand, and a third part of those kept by turns in constant Exercise? *Militia to be made serviceable.*

Why may not a Man be list'd in the Militia till he be discharg'd by his Master, as well as in the Army till he be discharg'd by his Captain? And why may not the same Horse be always sent forth, unless it can be made appear he is dead or maimed?

Why may not the private Soldiers of the Army, when they are dispersed in the several parts of the Kingdom, be sent to the Militia? And why may not the inferior Officers of the Army in some proportion command them?

I say, these and other like things may be done, and some of them are done in our own Plantations, and the Islands of *Jersey* and *Guernsey*, as also in *Poland*, *Switzerland*, and the Country of the *Grisons*; which are Nations much less considerable than *England*, have as formidable Neighbours, no Sea nor Fleet to defend them, nothing but a Militia to depend upon, and yet no one dares attack them. And we have seen as great Performances done formerly by the Apprentices of *London*, and in the late War by the *Vaudois* in *Savoy*, the *Miquelets* in *Catalonia*, and the Militia in *Ireland*, as can be parallel'd in History: And so it would be with us, if the Court will give their hearty assistance in promoting this Design; if the King would appear in Person at the Head of them, and give Rewards and Honor to such as deserve them, we should quickly see the young Nobility and Gentry appear magnificent in Arms and Equipage, shew a generous Emulation in outvying one another in Military Exercises, and place a noble Ambition in making themselves serviceable to their Country: as antiently the *Achaians* and *Thebans* from being the most contemptible Nations in *Greece*, by the Conduct of *Pelopidas*, *Epaminondas*, and *Philopemen*, came to have the best disciplin'd Troops and most excellent Soldiers in the World.

They object, that such a Militia as this is a standing Army, and will be as dangerous and much more chargeable. I answer;

That there can be no danger from an Army where the Nobility and Gentry of *England* are the Commanders, and the Body of it made up of the Freeholders, their Sons and Servants; unless we can conceive that the Nobility and Gentry will join in an unnatural Design to make void their own Titles to their Estates and Liberties: and if they could entertain so ridiculous a Proposition, they would never be obey'd by the Soldiers, who will have a Respect to those that send them forth and pay them, and to whom they must return again when their time is expir'd. For if I send a Man, I will as surely chuse one who shall fight for me, as a mercenary Officer will chuse one that shall fight against me: and the late Governments are Witnesses to the truth of this, who debauch'd the Militia more than ever I hope to see it again, and yet durst never rely upon them to assist their arbitrary Designs; as we may remember in the Duke of *Monmouth's* Invasion, their Officers durst not bring them near his Army for fear of a Revolt. Nay, the Pensioner-Parliament themselves turn'd short upon the Court, when they expected them to give the finishing Stroke to our Ruin.

To the last part of the Objection, That this Militia will be more chargeable than an Army; I answer, That since (as I suppose) no Man proposes wholly to lay them aside, if we add the extraordinary Expence of maintaining twenty thousand Men to the ordinary charge of the Militia, it is much more than sufficient to make the latter useful. But if this Objection were true, it ought not to enter into competition with the Preservation of our Laws and Liberties; for it is better to give a third part of my Estate, if it were necessary, than to have all taken from me. *Whether the Militia be more chargeable than an Army.*

And tho it should be granted, that a Militia is not as serviceable as an Army kept to constant Discipline, yet I believe these Gentlemen themselves will confess, that sixty thousand of them train'd as before, are as good as twenty thousand of their standing Troops, which is the Question; for 'tis impossible to have them both useful at the same

Militia
well disci-
plined very
useful.

same time, they being as incompatible as broad and clipt Money, never current together; and therefore the Court must depend wholly upon a Militia, or else they will not depend upon them at all. And this by the way may silence that Objection, that we must keep our Army till the Militia be disciplin'd; for that will never be done whilst the Court has an Army: and the same Objection will be made seven years hence as now; so that a small Army can be of no use to us, but to make our Fleet neglected, to hinder the Militia from being train'd, and enslave us at home: for they are too few to defend us against an Invasion, and too many for the People to oppose.

I dare speak with the greater Assurance upon this Subject, having the Authority of as great Men as the World hath produc'd for my Justification. *Macchiavel* spends several Chapters to prove, that no Prince or State ought to suffer any of their Subjects to make War their Profession, and that no Nation can be secure with any other Forces than a settl'd Militia. My Lord *Bacon* in several places bears his Testimony against a Standing Army, and particularly he tells us, that a mercenary Army is fittest to invade a Country, but a Militia to defend it; because the first have Estates to get, and the latter to protect. Mr. *Harrington* has founded his whole *Oceana* upon a train'd Militia; and I have lately read a *French Book*, call'd a History of the Politicks of *France*, which says, *Enfin si on veut ruiner les Anglois il suffit de les obliger a tenir des Troupes sur pied*. Nay, I believe no Author ever treated of a free Government, that did not express his Abhorrence of an Army; for (as my Lord *Bacon* says) whoever does use them, tho he may spread his Feathers for a time, he will mew them soon after: and raise them with what design you please, yet, like the *West-Indian Dogs* in *Boccaline*, in a little time they will certainly turn Sheepbiters.

What Ex-
perience
necessary to
make good
Soldiers.

Perhaps it will be said, that the Artillery of the World is chang'd since some of these wrote, and War is become more a Mystery, and therefore more Experience is necessary to make good Soldiers. But wherein does this Mystery consist? not in exercising a Company, and obeying a few words of Command; these are Mysteries that the dullest Noddle will comprehend in a few Weeks. Nay, I have heard that the Modern Exercise is much shorter and easier than the Antient. But the great Improvements in War are in regular Encampments, Fortification, Gunnery, skilful Engineering, &c. These are Arts not to be learn'd without much Labour and Experience, and are as much gain'd in the Closet as in the Field; and I suppose no Man will say, that the keeping standing Forces is necessary to make a good Engineer.

As to actual Experience in War, that is not essential either to a standing Army or a Militia, as such; but the former may be without it, and the latter gain it according as they have Opportunities of Action. 'Tis true at present the Army hath been train'd up in a long War, and hath gain'd great Knowledge: but these Men will not be lost when they are disbanded, they will be still in *England*; and if the Parliament does give them a Gratuity sutable to the Service they have done their Country, they will be ready to resume their Arms whenever occasion offers.

Why an Ar-
my more ne-
cessary now
than for-
merly, con-
sider'd.

But I desire to know of these Patriots, how comes an Army necessary to our Preservation now, and never since the Conquest before? Did ever the prevailing Party in the Wars of *York* and *Lancaster* attempt to keep up a Standing Army to support themselves? No: they had more Sense than to sacrifice their own Liberty, and more Honour than to enslave their Country, the more easily to carry on their own Faction. Were not the *Spaniards* as powerful, as good Soldiers, and as much our Enemies, as the *French* are now? Was not *Flanders* as near us as *France*? and the Popish Interest in Queen *Elizabeth's* time as strong as the Jacobite is now? and yet that most excellent Princess never dreamt of a Standing Army, but thought her surest Empire was to reign in the Hearts of her Subjects, which the following Story sufficiently testifies. When the Duke of *Alanson* came over to *England*, and for some time had admir'd the Riches of the City, the Conduct of her Government, and the Magnificence of her Court, he ask'd her amidst so much Splendor, where were her Guards? which Question she resolv'd a few days after when she took him in her Coach thro the City, and pointing to the People (who receiv'd her in Crouds with repeated Acclamations) These, said she, my Lord, are my Guards; These have their Hands, their Hearts, and their Purses always ready at my Command: and these were Guards indeed, who defended her thro a long and successful Reign of 44 years against all the Machinations of *Rome*, the Power of *Spain*, a disputed Title, and the perpetual Conspiracies of her own Popish Subjects; a Security the *Roman Emperors* could not boast of with their Pretorian Bands, and their *Eastern and Western Armies*.

Remarkable
Story of
Q. Eliz.

Were

Were not the *French* as powerful in *Charles* the Second and King *James's* time, as they are after this long and destructive War, and a less Alliance to oppose them? and yet we then thought a much less Army than is now contended for, a most insupportable Grievance; insomuch that in *Charles* the Second's Reign the Grand Jury presented them, and the Pensioner-Parliament voted them to be a Nuisance, sent Sir *J. Williamson* to the Tower, for saying the King might keep Guards for the Defence of his Person, and address'd to have them disbanded. And now our Apostates would make their Court by doing what the worst Parliament ever *England* saw could not think of without Horror and Confusion. They say the King of *France* was in league with our late Kings, so he is with us; and he would have broke it then, if he had thought it safe, and for his Interest, as much as now. But they say we have more disaffected Persons to join with him; which I must deny, for I believe no King of *England* in any Age had deservedly more Interest than the present; and if during such an expensive War, in which we have consum'd so much Blood and Treasure, paid such vast and unequal Taxes, lost so many thousand Ships, and bore a shock by recoinning our Mony, which would have torn up another Nation from its Foundation, and reduc'd it to its antient Chaos, when most Countries would have sunk under the Misfortune, and repin'd at their Deliverance (as men in sickness commonly quarrel with their dearest Friends) I say, if at that time he had so great and universal an Interest, there can be no doubt but in times of Peace, when the People reap the Fruits of that Courage and Conduct he hath shewn in their Defence, he will be the most beloved and glorious Prince that ever fill'd the *English* Throne.

An Army
accounted
a Grievance
in K. Ch.
II's time.

I will make one Assertion more, and then conclude this Discourse, viz. That the most likely way of restoring King *James*, is maintaining a Standing Army to keep him out.

For the King's Safety stands upon a Rock whilst it depends upon the solid Foundation of the Affections of the People, which is never to be shaken till 'tis as evident as the Sun in the Firmament, that there is a form'd Design to overthrow our Laws and Liberties; but if we keep a Standing Army, all depends upon the uncertain and capricious Humours of the Soldiery, which in all ages have produc'd more violent and sudden Revolutions, than ever have been known in unarm'd Governments: For there is such a Chain of Dependence amongst them, that if two or three of the chief Officers should be disoblig'd, or have Intrigues with Jacobite Mistresses; or if the King of *France* could once again buy his Pensioners into the Court or Army, or offer a better market to some that are in already, we shall have another rehearsal Revolution, and the People be only idle Spectators of their own Ruin. And whosoever considers the Composition of an Army, and doubts this, let him look back to the *Roman* Empire, where he will find out of twenty six Emperors, sixteen depos'd and murder'd by their own Armies; nay, half the History of the World is made up of Examples of this kind: but we need not go any farther than our own Country, where we have but twice kept Armies in times of Peace, and both times they turn'd out their own Masters. The first under *Cromwell* expel'd that Parliament under which they had fought successfully for many years; afterwards under General *Monk* they destroy'd the Government they before set up, and brought back *Charles* the Second; and he afterwards disbanded them, lest they might have turn'd him out again. The other Instance is fresh in every one's Memory, how King *James's* Army join'd with the Prince of *Orange*, now our rightful and lawful King. And what could have been expected otherwise from Men of dissolute and debauch'd Principles, who call themselves Soldiers of Fortune? who make Murder their Profession, and enquire no farther into the Justice of the Cause, than how they shall be paid; who must be false, rapacious and cruel in their own defence? For having no other Profession or Subsistence to depend upon, they are forc'd to stir up the Ambition of Princes, and engage them in perpetual Quarrels, that they may share of the Spoils they make. Such Men, like some sort of ravenous Fish, fare best in a Storm; and therefore we may reasonably suppose they will be better pleas'd with the tyrannical Government of the late King, than the mild and gracious Administration of his present Majesty, who came over to *England* to rescue us from Oppression, and he has done it, and triumphs in it in spite of his Enemies.

A Standing
Army will
restore K. J.
more proba-
bly than
keep him
out.

In this Discourse I have purposely omitted speaking of the lesser Inconveniences attending a Standing Army, such as frequent Quarrels, Murders and Robberies, the Destruction of all the Game in the Country; the quartering upon publick, and sometimes

Lesser In-
convenien-
ces attend-
ing a Stand-
ing Army.

sometimes private Houses; the influencing Elections of Parliament, by an artificial Distribution of Quarters; the rendering so many Men useless to Labour, and almost Propagation, together with a much greater Destruction of them, by taking them from a laborious way of living to a loose idle Life; and besides this, the Insolence of the Officers, and the Debaucheries that are committed both by them and their Soldiers in all the Towns they come in, to the Ruin of multitudes of Women, Dishonour of their Families, and ill Example to others; and a numerous train of Mischiefs besides, almost endless to enumerate. These are trivial as well as particular Grievances, in respect of those I have treated about, which strike at the Heart's-blood of our Constitution, and therefore I thought these not considerable enough to bear a part in a Discourse of this nature: Besides, they often procure their own Remedy, working Miracles, and making some men see that were born blind, and impregnable against all the Artillery of Reason; for Experience is only the Mistress of Fools: A wise man will know a Pike will bite when he sees his Teeth, which another will not make discovery of but by the loss of a Finger.

Comple-
ment to
the Army.

What I have said here against Standing Armies, I would be understood of such as are the Instruments of Tyranny and their Country's Ruin, and therefore I need make no Apology to our own, which was rais'd by the Consent of the Parliament in this just and necessary War, and next unto God and our great and glorious Deliverer, have by their Bravery and Conduct preserv'd our Liberties, and the Protestant Religion thro *Europe*. For if in future Reigns any Designs should be level'd against our Laws, we may be assur'd these Men would be discarded, and others promoted in their rooms, who are fit for such arbitrary Purposes.

Nor do I think it reasonable that our Army should be ruin'd by that Peace, which by their Courage and Fidelity they have procur'd for their Country; and I doubt not but the Generosity and Gratitude of the Parliament will give them a Donative equal to their Commissions, which, when the Foreigners are paid and sent home, will amount to no extraordinary Sum; at most 'tis but supposing the War to have six months longer continuance, which is an easy Composition for the Charge of keeping them. But if there are any Gentlemen amongst them who think we can no otherwise express our Gratitude, but by signing and sealing our own Ruin, I hope we shall disappoint their Expectations, and not give the World occasion to tell so foolish a Story of us, as that we turn'd to grass one of the most powerful Monarchs in the World for breaking our Laws, that we maintain'd an eight years War at the expence of forty Millions of Mony, and the Blood of three hundred thousand Men, to justify the glorious Action we have done; that by it we preserv'd all *Europe* besides, and lost our own Liberties; at least I hope it shall not be said we consented to it.

The

*The Second Part of an ARGUMENT
shewing, That a Standing Army is inconsistent with
a Free Government, and absolutely destructive to the
Constitution of the English Monarchy.*

*With REMARKS on the late publish'd List of King
James's Irish Forces in France.*

Printed in
Decemb.
1697.

The PREFACE.

THE following Considerations were written, and design'd to be publish'd soon after the Argument against a Standing Army appear'd. But a Report being given out, That the Advocates for a Standing Army would do wonders on that Subject, 'twas thought convenient to expect their Atchievements, that if their Success should prove in any measure answerable to their Confidence, the Publick might have been no farther importun'd about the Matter. I think I may justly say, This Mountain, after all its Pangs and Convulsions, has brought forth nothing but a ridiculous Mouse. And therefore I shall submit to the Judgment of all impartial Englishmen, what is here said in confirmation of the Argument: Which I hope will be of the greater weight, because taken from our own History.

An Argument, &c.

WE have much talk of a Standing Army, which is to be in time of Peace, but no body can tell us what they are to do: We know their usual Commission is to kill and slay; but where is the Enemy? Men talk of this with as much certainty, as if they were already establish'd: Which is yet the more surprizing, if we reflect on one of the Articles of Charge against the late King James. It is plain therefore that all this is Practice, and that these bold Fore-stallers of Parliaments would fain enact that without doors, which from the Foundation of this Kingdom was never attempted within.

These Gentlemen are also pleas'd to affirm it necessary to have a vast Body of Forces continu'd on foot: Whereas the first Project we find for a Standing Army in the Year 1629. requires only three thousand Foot in constant Pay, to bridle the Impertinence of Parliaments; to over-aw the Parliament and Nation; to make Edicts to be Laws; to force upon the People vast numbers of Excises; and in short, to overturn the whole Frame of this noble English Government. Whoever has a mind to peruse that dangerous Scheme in *Rushworth's Appendix*, pag. 12. and what he says of it in his History, will see enough.

*The first
Project of
a Standing
Army*

AN. 1629.

I marvel whose Advocates these Men are in this matter: For I am satisfied, none of those brave *English*-men who have fought honorably abroad, ever meant, when the Service was over, to be a Charge, Burden and Terror at home to their own Country; nor to disfranchise us of two of our native Liberties, Freedom from Martial Law, and Billeting of Soldiers; and thereby directly to take away from themselves, as well as from their Fellow-Subjects, one half of the Benefit of the *Petition of Right*, and in consequence the other half too, the Freedom of their Persons and Estates.

I shall therefore consider of a Standing Army, without minding who is for it, or who is against it in this Age, and only shew what are like to be the Consequences of it in future Reigns. And I have reason to do thus, because if the Parliament give the best King a Standing Army, the worst King shall hereafter claim and have it.

Parliaments do things suddenly that may entail Misery. As in K. John's time.

The Grant of Wardships the beginning of many Mischiefs.

We have many Instances where Parliaments in a kind fit, by one sudden Grant, have entail'd a world of lasting Misery upon the Nation. I will mention but one: The Kingdom was newly deliver'd from a bitter Tyrant, I mean King *John*, and had likewise got rid of their perfidious Deliverer the Dauphin of *France*; who after the *English* had accepted him for their King, had secretly vow'd their Extirpation, which the (a) Viscount of *Melun*, a *French*-man, being at the point of Death, disclos'd; they were moreover blessed with a young Prince, of whom they conceiv'd mighty Hopes, in the Hands of a very wise and honest Council. This was Life from the Dead, and a true Revolution. In the Transport of all this Happiness, about the 7th year of this new King *Henry 3.* the Parliament granted him the Wardship of their Heirs. *Knighton*, pag. 2430. records it thus; *Magnates Anglie concesserunt Regi Henrico Wardas Hæredum & Terrarum suarum, quod fuit initium multorum malorum in Anglia.* He says this Grant was the beginning of many Mischiefs in *England*. In the Year 1222 these Mischiefs had their Rise and Beginning; but where they ended, no old Chronicle could ever tell: For after this intolerable Bondage had continued above four hundred years, the Nation at last ransom'd themselves in our time by giving the Excise. It is a grief to all After-ages to find a Parliament so miserably overseen; for they both mistook their Man, and the hopeful Prince prov'd as bad as if the very Soul of his Father *John* had pass'd into him, which is the common Character given him by all the antient Historians: And then they utterly mistook the nature of the Grant, and did not foresee what a Misery and Vassalage it might prove to their Posterity. I appeal to all the antient Nobility and Gentry, who know any thing of the Affairs of their own Families, whether it was so or not: And yet these were honest and brave Men, who would rather have died than have been the Authors of so much Mischiefs; but they were led by false Appearances, that by having the King Guardian of their Children, they could not be wrong'd; they would have the best Education at Court, stand fair for future Preferment, and that a happier Provision for their Posterity could not be made: Neither could it, for the very Learning which this instructive Passage has given to their late Posterity, countervails all the Mischiefs that are past.

Objection.

But the Advocates for a Standing Army tell us, That tho the Wards by being annex'd to the Crown, and so becoming a Prerogative, could not be parted with, which was the cause of the long Continuance of that Mischiefs, after it was known and felt to be so; yet all this is cur'd by making the Act temporary, and settling a Standing Army only during his Majesty's Reign, or for years, or they know not how. I find they have a great mind to their Cucumber, for they are content to have it dress'd and pickled any way.

Answer.

Instance in the Customs.

I answer, That succeeding Princes, if they find an Army, will keep it, and will not trouble themselves whether the Law be temporary or perpetual. A plain Instance we have of this in the Customs: For the Tunnage and Poundage, and the other Impositions, are a Subsidy and free Gift, and the King's Answer to the Bill thanks the Subjects for their Good-wills; and the Parliaments have always us'd such Cautions and Limitations in those Grants, as might prevent any Claim, and heretofore limited them to a short time, as for a year or two; and if they were continu'd longer, they have directed a certain Space of Cessation or Intermision, that so the Right of the Subject might be the more evident; at other times they have been

(a) Daniel, pag. 148.

granted upon occasion of War for a certain number of years, with Proviso, that if the War were ended in the mean time, then the Grant should cease; and of course they have been sequester'd into the hands of some Subjects for the guarding of the Seas :

Notwithstanding all this, tho the Parliament so carefully guarded their Grants, yet King *Charles* the First took this Subsidy without any Grant at all for sixteen Years together ; tho several Parliaments in the mean time time forbad the Payment of it, and voted all those to be publick Enemies that did not refuse it. The like did his Son the late King *James* till his Parliament gave it him : and in his first Speech to them he demanded it as his own, by the name of *my Revenue*. And why then shall not another Prince come and say the same, Give me my Army, if he ever have a Parliament to ask ? To limit a Prince with Laws where there is an Army, is to bind *Sampson* with his Locks on.

Having made appear that an Army now will be an Army always, I come in the next place to shew what the Consequences of it will be, both by the Experience of former Ages, and by the nature of the thing. *The Consequences of perpetuating a Standing Army.*

In all Ages and Parts of the World, a Standing Army has been the never-failing Instrument of enslaving a Nation ; which *Richard* the Second (a) *Walsing.* p. 354. compassing to do here in *England*, accordingly us'd the Means. For the Safety of his Person he assembled together (*multos Malefactores*) a great number of profligate Persons out of the County of *Chester*, who should keep watch and ward continually about him in their turns. This Life-guard of his consisted of four thousand Archers ; who committed such Outrages amongst the People, over-aw'd the Parliament, and aided him in his Tyrannical Proceedings in such a manner, as could not be believ'd, if it were not witness'd by a whole Parliament, and his own Confession, (b) *Artic.* the 5th. *Means of enslaving the Nation.*

In short, tho many of those *Cheshire*-men plunder'd and liv'd upon Free-quarter, beat, wounded, kill'd and ravish'd wherever they came ; yet because they enabled him to execute all his cruel and arbitrary Designs in Parliament, he countenanc'd them in all their Crimes, as confiding in them, and trusting in their defence of him against all the Realm beside : For which cause all the Lieges of his Realm had great matter of Commotion and Indignation. *The Practice of R. 2.*

This Parliament was in the 21st of his Reign, and in it the Frame of this *English* Government was quite destroy'd. I need not shew in what Particulars, for that is done already by *Bacon*, and many other Lawyers. But in short, the King was made absolute, and the whole Power of Parliament, which might remedy things afterwards, was given up : For it was made Treason for any Man to endeavour to repeal any of the Arbitrary Constitutions that were then made.

I am even asham'd, when I observe former Princes so zealous for oppressing and wronging a Nation, and so bent upon it, to reflect how cold and remiss many Subjects have been in all times, and how unconcern'd to preserve their indispensable Rights, which are the very Being both of themselves and their Posterity : To see King *John* ready to pawn his Soul, and offer *Miramolim* the Emperor of *Morocco* to turn *Turk*, and to make his Kingdom tributary to him, only to get his Assistance to enslave this Nation, and Subjects to take no care of their *English* Liberties ; which certainly are prov'd to be worth keeping by the Eagerness of bad Princes to take them away. *K. John's Endeavors to enslave the Nation.*

But to return to our *Cheshire*-men, and to the Parliament which they had in charge, *Sagittariis innumerabilibus vallato*, wall'd about with an infinite number of Archers, as it is describ'd *Artic.* 4. The Parliament was hereby so over-aw'd, that in what they did they were *magis timore Regis ducti quam mentium ratione*, led more by fear of the King than their Consciences ; their Souls were not their own. *Practice of the Cheshire Men. Walsingh.*

(a) Item, Tempore quo idem Rex in Parlamento suo fecit adjudicari Ducem Glocestriæ, & Comites Arundel & Warwick ut liberius possit exercere Crudelitatem in eosdem, & voluntatem suam injuriosam in aliis adimplere, sibi attraxit multitudinem magnam Malefactorum de Comitatu Cestriæ, quorum quidam cum transeuntes per Regnum, tam infra Regis hospitium quam extra, Ligeos Regni crudeliter occiderunt, & quosdam verberaverunt, vulneraverunt, & deprædaverunt bona populi, & pro suis victualibus solvere recusarunt, & uxores & alias mu-

lieres rapuerunt & violaverunt, & licet super eorum hujusmodi excessibus graves querimonie defererentur ad audientiam dicti Domini Regis : Idem tamen Rex super his justitiam, seu remedium facere non curavit, sed favebat iisdem gentibus in maleficiis eorum ; confidens in iis & eorum præsidio, contra quoscunque alios Regni, propter quod fideles Regni sui magnam commotionis & indignationis materiam habuerunt.

(b) *Decem. Scrip. Col.* 2748.

And besides the standing Awe and Terror which this Guard was to both Houses during their Session, there happen'd a Passage at last which put them all into a very great fright: It is thus set down by *Stow*, p. 316. ' And then licence being had to depart, a great stir was made, as is us'd; whereupon the King's Archers, in number 4000, compass'd the Parliament-House (thinking there had been in the House some Broil by fighting) with their Bows bent, their Arrows knotch'd, and drawing ready to shoot, to the terror of all that were there; but the King here-with coming, pacified them.

These Men did the King such acceptable Service, that he could do no less than make some return to his Implements, which he did in honouring *Cheeshire* for their fakes. In this Session of Parliament he made it a Principality, *cap. 9.* and himself Prince of *Chester*: And so, as *Bacon* says, *Counties go up, and Kingdoms go down.* This had never risen again but by a happy Revolution, which follow'd in less than two years. So much for the *Cheeshire* men.

The Parliament of 1641. how practis'd upon by the Army.

But what signify the Proceedings of this villanous Crew to an Army, who are all of them men of Honour, and perhaps in Parliament time shall be order'd a hundred miles off? These cannot wall in, surround, begirt and beset a Parliament, nor consequently hinder it from being a Free Parliament. That I deny; for I hope such an Army may differ in Judgment, and can petition a Parliament at that distance; and we very well know that their Desires are always Commands. The Parliament in 41, long before there was any Breach with the King, were in a fair way to have been petition'd out of doors by an Army 150 miles off, tho there was the Clog of a *Scotch* Army at the heels of them, who upon the least Motion would certainly have follow'd. And if *Denzil Holles* had not lock'd the Doors, and communicated the matter to the House, who immediately fell upon the Officers that were Members, Colonel *Ashburnham*, *Willmot*, *Pollard*, &c. and quash'd the Design, it had brought the whole Nation into great Confusion. The Petition of an Army is like that of the *Cornish* men in *Henry* the Seventh's time; it is always a strong Petition.

Great danger to Liberty from a Standing Army.

Nay, an Army can never fail in this humble way to over-rule a Parliament. If they are in being, they influence; and in *Cæsar's* easy way they conquer by looking on. The very Reputation of a Force to back them, will make all Court-Proposals speak big, tho ever so contrary to the Interest of the Nation: For there is no debating nor disputing against Legions. It will tempt them to do many things they durst not otherwise think of: What is much out of our reach, is rarely the Object of our Thoughts; but the Facility of Execution is generally the first Motive to an Attempt. Now it is abundantly the Interest of Court-Flatterers to live under a corrupt Reign: Then Bribes and Confiscations fill their Coffers. No man's Wife or Daughter is free from their Lust, or Estate from their Avarice. They extort Presents from the Nobility, Goods from the Tradesmen, and Labour from the Poor. In short, all is their own. And 'tis to be fear'd, these Gentlemen (unless they have more Vertue than usually falls to their share) will put Princes upon such Counsels as promote their own Advantage. They will tell them how mean it is to be aw'd by a few Country Gentlemen, when all the Kings in *Europe* besides are got out of Pupilage, as *Lewis XI.* call'd it. They will fill their Heads with a thousand trifling Jealousies of Monsters, Commonwealths, and such-like Bug-bears: and it hath been difficult even for the wisest Princes to free themselves from this sort of Cattel. *False Prophets shall arise, that shall deceive even the Elect.* Nothing but the fear of Punishment, and the being made a Sacrifice to the Peoples just Revenge, can make such Men honest: But if they have an Army to protect them, all these Considerations are laid aside, and all Arguments are answer'd in a word, *The King has an Army.* *The King has an Army* stops all mouths, and cuts off all Reply. It is as if it should be said, Set your hearts at rest, for the King has all Power in his hands, and you have none: He has all your Estates, Lives and Liberties, under his girdle: Slaves, and talk! *The King has an Army*, is a confuting Answer to every thing but a better Army, which thanks be to God and his present Majesty we have found. But as we are not to live upon Miracles, so we are not to tempt Dangers.

I have staid the longer upon this point, in shewing how inconsistent an Army is with the Freedom of Parliament, because they being the Keepers of our *English* Liberties, can ill perform that Office, when they have parted with their Power into other hands. They are the last Resort of the Subject for the Redress of their Grievances. But how shall they relieve the poor *Royston*-men, for instance, from the Oppression and Insolences of the Soldiery, when perhaps they shall be subject

to the like themselves? The Projectors are aware of this terrible Inconvenience, and therefore they propose an Expedient, That it shall be the King's Army, but the Parliament shall have the paying of them; whereby they shall be as much the Parliament's humble Servants, as the Parliament their proper Masters.

Much at one I believe. For the Long Parliament had not such a King and Parliament Army as this, but an Army that was all their own, their Creatures, as the Court-word is, rais'd, list'd, commission'd, and paid wholly by themselves, and not in Partnership, and that had manfully fought all their Battels: And yet upon the first Distast they were pleas'd to take, they distress'd their own Masters, and with a high hand forc'd them to banish eleven of their principal Members, *Denzil Holles, Sir Philip Stapylton, Glyn*, and such other great Men. Sir Philip Stapylton died in his Banishment. At another time they would not suffer near a hundred Members to enter into the House, whom they thought not well affected to the Business then in hand; and at the same time evilly intreated and imprison'd about forty Members: This they call'd purging the House. After they had thus handled them at several times, in conclusion, the Officers came and reprimanded the House, bid them take away that Fool's Bauble the Mace, violently pull'd the Speaker out of the Chair, drove out the Members, and lock'd up the Doors, and so good night to the Parliament. The Wisdom of that Parliament may have been very great, but it was Nonsense for them to think, that an Army does not know its own Strength. For without dear-bought Experience any body may know beforehand what will be the natural Consequences of a Standing Army. From the day you set them up, you set up your Masters; you put your selves wholly into their hands, and are at their discretion: It is the Conquest of the Nation in the silentest, shortest and surest way. They are able to dispose of your Lives and Estates at Will and Pleasure: and what can a foreign Conqueror do more? If after this we live and possess any thing, 'tis because they let us; and how long that shall be, neither we, no nor they themselves, know.

Nay, in many respects an authoriz'd Standing Army is far worse than a foreign Invasion, and a Conquest from abroad: for there we have a chance for it, but this is a Conquest in cold Blood, which may not be resisted. And we lose the inseparable Rights of the Conquer'd, which is to rescue and deliver themselves, and to throw off the Yoke as soon as they can. It is likewise a great Aggravation of our Misery, to be enslav'd at our own Cost and Charges: Besides the bitter Resentments of Unkindness and Breach of Trust, if it be done by those who ought to protect us, and provide better for us, at least should not leave us in a worse Condition than they found us. But above all, if we contribute to our own Thralldom by our Folly, Flattery and little Self-seeking; if the Destruction of us and our Posterity be of our selves, that Reflection hereafter will have a Sting in it; and it will not be enough to say, Who would have thought it?

Now in being overpower'd and conquer'd by a foreign Enemy, we contract none of this Guilt, and suffer it as a bare Calamity. But there is no great fear of that, for the Duke *de Rohan* is our Guarantee that we cannot be conquer'd from abroad, who in a spiteful Description of *England*, says, it is a great Animal that can be destroy'd by nothing but it self. Every body must die when their time is come, and Empires as well as private Men must submit to Time and Fate; Governments have their Infancy, their Meridian, and their Decay, and the Preludes to their Destruction are generally Luxury, Pride, Sloth, Prodigality, Cowardice, Irreligion, Self-interest, and an universal Neglect of the Publick. God grant this be not the Condition of a Nation I know.

Well, 'tis all one; for let a Standing Army be what it will, still we must have it for this unanswerable Reason, *viz. The Defence of the Nation from a sudden Invasion*; for unless, say they, you have an Army to lie lieger, you are liable to be over-run by a foreign Enemy e'er you are aware; and you will shew less Wit than *Æsop's Rhinoceros*; you will have your Men to raise, and your Teeth to whet, when you should use them. This Thought I confess is very natural and obvious, and therefore could not possibly escape our wise Forefathers; yet we cannot learn that ever they put it in practice, which is a great sign they did not like it. No, we are well assur'd that they would not have suffer'd a mercenary Army to defend the Nation, if they would have done it gratis. They would rather have mistrusted it would double the Invasion, and make it as big again as it was. I do not speak this by guess, but have it from the wise Sir Robert Cotton, who being consulted, 3 *Caroli*, in a difficult State of Affairs, amongst other things gave this Advice at the Council-Table: *Rushworth*, pag.

Sir R. Cotton's Opinion about a Standing Army.

469. There must be, to withstand a Foreign Invasion, a proportion of Sea and Land Forces. And it is to be consider'd, that no March by Land can be of that speed to make head against the Landing of an Enemy: Then it follows, That there is no such Prevention as to be Master of the Sea.

For the Land Forces, if it were for an Offensive War, the Men of less Liveliness were best spar'd; and we us'd formerly to make such Wars *Purgamenta Reipublicæ*, if we made no farther Purchase by it. But for the Safety of the Commonwealth, the Wisdom of all times did never intrust the publick Cause to any other than to such as had a Portion in the publick Adventure. And that we saw in eighty eight, when the Care of the Queen and of the Council did make the Body of that large Army no other than of the Trained Bands.

In the same Advice to the King he lets him know how the People resented his keeping up an Army in the Winter, tho we were then in War both with France and Spain. The words are these:

And the dangerous Distastes to the People are not a little improv'd by the unexampled Course, as they conceive, of retaining an Inland Army in Winter Season, when former Times of general Fear, as in eighty eight, produc'd none such; and makes them in their distracted Fears conjecture idly, it was rais'd wholly to subject their Fortunes to the Will of Power rather than of Law, and to make good some farther Breach upon their Liberties and Freedoms at home, rather than defend us from any Force abroad. And he tells the King the Consequences of these Jealousies is worthy a prudent and preventing Care.

But what signify the Proceedings of former Ages to us? say the Projectors, the World is strangely alter'd, and the Power of France is become so formidable, that it can never be oppos'd in the Elizabeth way. They still keep up an Army of three or four hundred thousand Men, and how shall we defend our selves against all those, without ten or fifteen thousand disciplin'd Troops?

A foreign Invasion impossible if we are superior at Sea.

I think the Author of the *Argument*, pag. 572. hath sufficiently shew'd the Difficulty, if not Impossibility, of a foreign Invasion, whilst we are superior at Sea; the great improbability the French King should engage in such a Design, and much greater he should succeed in it. But that we may for ever lay this Goblin, we will admit our Fleets to be kidnap'd by an unlucky Wind, whilst the French land twenty thousand men in our Country. Tho in gratitude for this Concession, I hope my Adversaries will grant that their Fleet cannot get back again without our meeting with them (since the same Wind that carries them home, will carry us out) or if they will not be so good natur'd as to allow this, I will undertake for them (for we live in an undertaking Age) that they will agree we shall intercept their Supplies. Then the Case is thus, that twenty thousand men, of which few can be Horse, are landed in England, without any human probability of being supply'd from abroad.

I say, this Army shall never march twenty miles into the Country, for they cannot put themselves in a marching Posture in less than a fortnight or three weeks; and by that time we may have 100000 Militia drawn down upon them, whereof 10000 shall be Horse, and as many Dragoons as we please: And if this Militia does nothing else but drive the Country, cut off their Foragers and Straglers, possess themselves of the Defiles, and intercept Provisions, their Army must be destroy'd in a small time.

Of this kind I could give many Instances out of History: but because antient ones, they say, will not fit our purpose, I will give you a late one out of Ireland.

1st, I think it will be readily agreed, there are ten Men in England for one in Ireland.

2^{dly}, That King William had more English and Scotch to join with him in Ireland, than the French King hath Malecontents in England.

The Irish War consider'd.

3^{dly}, That even our Militia have more Courage than Irishmen. And tho we had eight thousand Horse, and above thirty thousand Foot in Ireland, and a great part of the Country in our possession, yet we were more than four years in conquering the rest, and almost a Miracle we did it then. And I believe no Man will deny, if we could not have supply'd our Army from England, but they had all there perish'd; such is the Advantage of fighting upon one's own Dunghil.

The Purbeck Invasion.

And to shew what Treatment the French are like to meet with in England, I will put you in mind of the Purbeck Invasion, which was so private, that it was seen only by an old Man and a Boy: And yet tho the Country thought the Government against them, we had above forty thousand Volunteers in Arms in two or three days time, who came thither on their own accord to give them the meeting; and if they had been there, I doubt not would have given a good account of them.

Our

Our Court when it was over, shew'd their dislike of it, and question'd the Sheriff of *Dorsetshire* about it. And tho we have forgot it, yet I believe the *French* will remember *Purbeck*; for it shew'd the true Spirit and Genius of the *English* Nation.

To conclude, The whole management of this Project is ridiculous; but the fatal Consequences of it require deeper thought: For when we have fool'd our selves into the Bondage of a Standing Army, how shall we ever get out of it again? Not as the Nation freed themselves from the Court of Wards. We cannot buy it off for two very good Reasons: No Mony will be taken for it, and we shall have nothing to give which is not theirs already: Our Estates, Lives and Liberties will be all at their Command. They will have the Keys of our Mony, and the Titles to our Lands in their Power.

The Project ridiculous.

This last and irreparable Mischief and Misery the Projectors had prepar'd for us. But under a gracious King and a wise Parliament, I hope we shall never see it. His Majesty's Declaration is directly against a Standing Army, *as a means to assist all arbitrary Designs, and thereby enslave the Nation*; directly against all wicked Attempts of Conquest, and all Despotick Government; 'tis full of Liberty and Property in every part, so that we are sure to be safe on that side. And this Declaration was so highly valu'd, and so wholly rely'd upon by the Parliament, that it is incorporated into our Laws as the only redress of our past Grievances and Oppressions, and the best Foundation of our future Happiness: And with intire confidence that his Majesty would continue to act in pursuance of that Declaration, the Parliament resolv'd that he should be, and be declar'd King. So that it is to be accounted the *Pacta Conventa* of this Government.

The King declares against a Standing Army.

Here I know the Projectors will say, That the Army condemn'd by the Declaration, was the late King *James's* Army, kept up in time of Peace without Consent of Parliament: whereas this Standing Army is to be kept up with their Consent.

True it was so, and therefore it was a Riot and unlawful Assembly every hour it stood; and having no Law for it, it might have been presented or indicted; to no purpose indeed: But as an Invasion upon the Subject it might be resisted and pull'd down as a Nuisance, whenever the Nation found themselves able. But suppose this Army had been made part of the Constitution, and had obtain'd an Act of Parliament for it, which is as much as we can have for a King or a Queen, what then had become of us? They were Aids and Instruments of arbitrary Government before, but then they had been legal Instruments, and had enslav'd us by Authority. In short, we could not have reliev'd our selves from them, nor any one else in our behalf, because our own Act and Deed would have always been good against us. The delightful Notion we know his Majesty by, is that of our Deliverer, which he was upon this occasion. But these mischievous Projectors would turn it into such a Deliverance, as if we had been help'd over a Ford, to be afterwards lost in the Sea. And as to the Parliament, we are safe on that side, for a Reason amongst others which is in the Declaration in these words: *And it cannot be imagin'd that those who have invited us, or those that have already come to assist us, will join in a wicked Design of Conquest, to make void their own Titles to their Honours, Estates and Interests.*

Objections answer'd.

A POSTSCRIPT, containing Remarks on a late publish'd LIST of Irish Papists now in the French King's Service.

THE Advocates for a Standing Army having lately publish'd a List of an Army of *Irish* and other Papists now in the *French* King's Service, which they say are ready when call'd for, I could not let that Paper go without some Remarks; because it informs us of some things, that, if I mistake not, deserve the Consideration of all true *Englishmen*, and are as followeth.

1. That

18000
Irish and
Papists
with K. J.
in France.

1. That there is in *France* an Army of eighteen thousand *Irish* and other *Papists*, with *King James* at the Head of them.
2. That they are ready to be transported hither when call'd for.
3. They give broad Hints that there is a sort of Men amongst us, who will call for them.

4. That these *Irish* and their Correspondents will answer whatever has been or shall be written against a Standing Army.

This Pre-
tence an-
swer'd.

To the first I answer, that tho the *Irish* are the best Troops in the World to plunder, murder and massacre the innocent and defenceless People, yet they are the worst of all Soldiers when they meet with any Resistance. The late War in *Ireland*, particularly the Siege of *London-derry*, and the routing of *Justin Maccarty*, one of their best Officers, who was at the Head of a considerable Army, by a small number of the despis'd Militia, has abundantly demonstrated this Truth. And it deserves the Resentment of the *English* Nation, to find the Enemies of their Country endeavouring at last to fright them with that despicable Crew, when the Terror they would have given us of the *French* Armies has prov'd ineffectual. Besides, the *French* King is in possession of these *Irish* Troops; they serve him, and are paid by him: and no Man, but a publick *Boutefeu*, would have the Confidence to say, he will lend them to *King James* to invade us: For what will that be less than declaring a new War? And they who think it in the power of the *French* King to assist *King James* against us, without any breach of the late Treaty, do in effect say, that due Care has not been taken of the Nation, than which there cannot be a more scandalous Reflection on his Majesty.

To the second and third of their Menaces I shall only say, That 'tis somewhat extraordinary, that Men should dare publicly to avow their Correspondence with our Enemies, to own themselves acquainted with their Designs against us, to threaten the People with an Army of *Irish Banditti*, and to let us know that there are some amongst us ready to join them. But the Great Council of the Nation being now assembl'd, will undoubtedly make such Provision for our Safety, that neither they nor their Correspondents shall be able to hurt us.

In the last place they tell us, that this is an Answer to the *Argument against a Standing Army*, and to all that has been or shall be written on that Subject. Here's thorow Work indeed, and 'tis pity it should want a Place in the next Edition of the *Irish* Wisdom. Mr. *Bayes's* fighting singly against whole Armies is nothing to it: For he like a modest Man, was only for routing such as should be rais'd, and never once dreamt of destroying them before they had a Being.

'Tis hop'd therefore that this last Goblin will do us no more hurt than all the rest that have been industriously rais'd to terrify the People, and to disturb the publick Peace.

A POSTSCRIPT, containing Remarks on a late
published List of Irish Papists now in the French
King's Service.

THE Author of a Standing Army having lately published a List of an Army
of Irish and other Papists now in the French King's Service, which they say
is ready when call'd for, I could not but set that Paper go without some Remarks;
which I inform us of some things, that I mistake not, deserve the
attention of all true Englishmen, and are as followeth.

A LETTER, ballancing the Necessity of keeping a Land-Force in times of Peace,

Printed in
1697.

With the DANGERS that may follow on it.

S I R,

WE have at last an honorable Peace, which was much long'd for by us all, but despair'd of by many. *England* is now the Wonder of the World, nothing can hurt us, but Animosities and Jealousies among our selves. If we maintain the Peace with as much Prudence and Judgment, as we have shew'd Spirit and Courage in carrying on the War, we shall give Laws to all about us, and secure that Quiet, which we have procur'd to the rest of *Europe*.

The Means of doing this, is now the common Subject of Discourse. All agree in one thing, that we ought to maintain our Empire on the Sea with powerful Fleets, strong Summer and Winter Guards, and that our Stores ought to be well fill'd, and our great Ships kept in such a State, that we may be in a condition upon short Warning to set out Royal Fleets. This is so necessary, that I suppose it is needless to spend more time upon it. The only Point in which our Opinions may perhaps differ, is, Whether we ought to maintain so considerable a Force at Land, as will be sufficient to make a Stand against an Invasion; or whether the Militia can be made so considerable, that we may trust to it at home, as well as to our Fleets abroad, and be safe in this. *Powerful Fleets to be maintain'd.*

I will not suggest so unbecoming a Thought, as to imagine that any of our Neighbors will seek to take Advantages against us, or break the Peace, and invade us contrary to the Honour and Faith of Treaties. No, I will not suspect it. But the best Guaranty of a Peace, is a good Force to maintain it: And the surest way to keep all our Neighbours to an exact Performance of Articles, is to be upon our Guard. They will be then faithful to Agreements, when they see no Opportunities of surprizing us, and that our Peace does not lay us asleep, and make us forget the Art of War. I mean, it is no Reflection on any of the neighbouring Princes, when I conclude that their Faith is not so absolute a Security, but that we must help them to be true to their Word, by shewing them that they are not like to gain much by breaking it.

But mistake me not:

When I seem to prepare you to consider the Necessity of keeping a Land-Force, I am far from the thought of a Standing Army. Any Man who would pretend to give a Jealousy of the Nation to the King, and suggest that he could not be safe among them without he were environ'd with Guards and Troops, as it was in the late Reigns, ought to be abhor'd by every true *Englishman*, by every Man who loves Liberty and his Country. The Case at present is, Whether, considering the Circumstances that we and our Neighbors are now in, it may not be both prudent and necessary for us to keep up a reasonable Force from Year to Year: The State of Affairs both at Home and Abroad being every Year to be consider'd in Parliament, that so any such Force may be either increas'd, lessen'd, or quite laid aside, as they shall see Cause. I will not argue with you so unfairly, as to urge much the Reasons that we have of trusting the King; for how much soever may be said on this Head, either from his Temper, his Circumstances, his Interest, and the Course of his past Life, either with relation to the *United Provinces*, or to us here in *England*, and with how much Reason soever this might be prosecuted, yet I will not lay much *No Jealousy of the King.*

weight on it ; for it is not just to press an Argument that puts another Man in pain, when he goes to answer it. I know it may be said, That Men are but Men ; so that we make a dangerous Experiment of their Virtue, when we put too much in their Power : And that what is done to one King, who deserves it, and will manage it faithfully, will be made an Argument to do the same for another King, that has neither Merit nor Capacity to intitle him to so intire a Confidence.

France is
for a stand-
ing Army.

To say all in one word, if we were in the same Condition in which we and our Neighbours were an Age ago, I should reject the Proposition with Horror. But the Case is alter'd ; the whole World, more particularly our Neighbors, have now got into the mistaken Notion of keeping up a mighty Force, and the power-fullest of all these happens to be our next Neighbour, who will very probably keep up great Armies : And we may appear too inviting, if we are in such an open and unguarded Condition, that the Success of the Attempt may seem to be not only probable, but certain. *England* is an open Country, full of Plenty, every where able to subsist an Army ; our Towns and Cities are all open, our Rivers are all fordable, no Passes nor strong Places can stop an Enemy that should land upon us ; so that the whole Nation lies open to any Army that should once come into it.

Objection.

To this you may reply, Can an Army be brought together, with a Fleet to bring it over, and we know nothing of it ? These things require Time, and we cannot be suppos'd so destitute of Intelligence, as not to know of such Preparations. In such a Case, our Fleet will cover us, while our Militia may be exercis'd, and march'd where the Danger is apprehended. This may seem plausible, and will no doubt work on such as do not consider Things with the Attention that is necessary.

Answer.

But do not we remember, that we were lately twice almost surpriz'd ; once from *la Hogue*, and again from *Calais* ? We must not expect that God will always work Miracles for us, if we are wanting to our selves. If in a time of War and Jealousy we were so near the being fatally over-run, without either Warning or Intelligence ; it is much more possible to see such Designs laid in a time of Sloth and Quiet, when we are under no Fears nor Apprehensions ; and this may be so manag'd, that the notice we may have of it, may come too late for us to be able to prevent or resist it. And what will our Intelligence signify, if we are in no condition either to hinder the Descent, or to withstand the Force that may be sent against us ? Absolute Governments, where all depends on the Will of the Prince, and where Men are ruin'd, who fail either in performing what is expected from them, or in keeping the Secrecy that is enjoin'd them, can both contrive and execute Things in another manner, than can be conceiv'd by those who have the Happiness to live in free Governments. Troops may have such Orders for Marches and Counter-marches, that those who are on the Place shall not be able to judg what is intended, till it is not possible to hinder it. Cross Winds may make this come yet later to those who have a Sea between them. Orders may be given to many different Persons in many different Places, who shall know nothing of one another till they meet in a general Rendezvous.

Necessity of
a good
Fleet.

It is true, we must suppose that we shall have good Fleets abroad ; but one would not put so great a thing as the Safety of the Nation to such a Hazard, nor depend upon a single Security when that is liable to Accidents : The same Wind that may bring over a Fleet and Army to invade us, may keep our Ships in Port ; so that it shall not be possible for them to look out, or if they should have a favourable Minute to get out, it may so shatter them that they shall not be able to defend either our Seas or our Ports. This may well be suppos'd, for it really happen'd when the King landed first in *England* ; the late King had then a powerful Fleet, which if it could have engag'd the *Dutch*, would have been probably too hard for them, especially considering the Transport Fleet that they guarded : but the East Wind that brought over the King, kept them in the River till the *Dutch* had past them ; and when they got out, a Storm stop'd and shatter'd them, so that without being able to come to any Action, they were laid up. And would any Man hazard the Nation upon such a Contingency ?

Militia
consider'd.

But the last thing in reserve is our Militia. Great Bodies may be brought together ; the Men are brave, capable of Discipline, and they naturally love their Country : Their Officers being Men of Estates, may be well trusted with the Concerns of the Nation in which they have so good a Stake.

I will never enter upon so invidious an Argument as to disparage our Militia, or derogate from them : I do not doubt but they are much the best in the World,
and

and if they had a Militia to deal with I should doubt little of the Decision. But you and I have seen Armies too much not to know the difference that is between Troops that have been long train'd, who have learn'd the Art, and are accusom'd to the Discipline of War, and the best Bodies of raw and undisciplin'd Multitudes. The whole Method of War is now such, that disciplin'd Troops must prove a very unequal Match to much greater numbers of Men, who yet perhaps, upon half their practice, might prove too hard for them. I know it will be urg'd, that our Militia may be so train'd and model'd, as to be made more capable of Service than perhaps they are at present: This is a Work of Time, a Project that depends upon so many Particulars, and may be subject to so many slips in the Execution, that it must be confess'd a Nation is much expos'd, if its Safety and Preservation must depend upon such Uncertainties. We have Troops that have pass'd through a long Apprentiship, and to our cost have learn'd that unhappy Trade which is now become so universal, that it is thereby made necessary; we must either be preserv'd by it, or perish by it. Many gallant Gentlemen have broke the course of their Studies, and the other Methods of Life they were in: It will not only be a hardship put upon them, but it will be the rendring our selves naked and defenceless, if, after all the Reputation that we have risen to in War, we should sink into an unbecoming Remissness in Peace, and upon the remote and uncertain Fears of Dangers that will probably never happen, expose our selves to those which we may certainly look for, as soon as we have put our selves out of a Capacity of resisting them.

To tell you the Truth, I cannot see some Men grow all of the sudden such wonderful Patriots, so jealous of Prerogative, and such Zealots for Publick Liberty, without remembring what their Behaviour was some Years ago in the late Reigns, when we had not only all the justest Causes of Jealousy, but all the Certainties of Evidence: The Designs were bare-fac'd, and the Attempts were bold; and yet some were then silent, and others went into them, with as hearty a Zeal for Arbitrariness as they seem now to put on for Liberty. The Methods they have taken during the War have been so ill disguis'd, that few will believe they are in earnest, when they talk of Liberty and Law, who seem'd to have labour'd hard to lay us open to Invasion and Conquest. What they could not compass during the War, they hope now to bring about by laying us asleep in Peace; for if we let go a real Security, and trust to an imaginary one, we may pay too dear for the Experiment, and be convinc'd of our Error when it will be no more in our Power to correct it.

But I know some will urge the *Roman* and *Lacedemonian* States for our Militia. It is a wrong way of arguing, to apply the Precedent of any one Time to another, unless all things in both Times did agree. Every thing is safe in any State when it is equal, if not superior to those about it. *Lacedemon* and *Rome* were at least upon the same foot with their Neighbours. They were indeed far superior to them: At *Lacedemon* they bred their Youth to nothing but War, or to other Exercises that render'd them fit for it, and to a short and pointed way of Talking. They had neither Arts nor Learning among them; so that their whole Republick was like a Standing Army that threaten'd the rest of *Greece*. The *Romans* in the Times of their Liberty, were but a little distinguish'd from them: They allow'd indeed of Agriculture, and put their own hands to it, which the *Lacedemonians* left to their Slaves: But they were all train'd to War, and no Man among them could pretend to Employments, till he could reckon up so many Campaigns, and shew the Wounds he had receiv'd in them; so that here was a Military Republick: It was not only equal, but superior to all about them for this very thing, and so no wonder if it conquer'd them.

These Precedents can never sute our Times, unless we could change our whole Constitution at home, as well as the State of Affairs abroad, and banish from us not only Luxury, but both Wealth and Trade. The Accounts that we have of the Militia in *Sweden* are not very encouraging; the new modelling it there has signify'd little to preserve their Liberty.

Others will perhaps ask, How did our Ancestors not only defend our Country, but render it terrible to all about it, particularly to those from whom we seem now to be most in danger? This is a Topick that may furnish a great deal of popular Eloquence, and may impose upon such as are proud of the Valour of their Country, and have read only so much History as to remember the Names of some Battels, and the Numbers of the Armies. But all were then alike as to this Matter, while

Instances
from anti-
ent History.

all Nations were equally ignorant of War, and were only set on the Arts of Peace ; then, no doubt, in those short Wars that broke out, the braver Nation had always the better. But it is evident from the first beginnings of History down to this day, that Regular Troops were always too hard for a Militia. *Lacedemon, Athens* and *Thebes*, in their turns had the better one of another, as their Armies were better train'd, and had more Experience in War. At last the King of *Macedon*, who had been much despis'd by them, subdu'd them all. *Cyrus*, by training the *Persians*, conquer'd the *Babylonians* ; and *Alexander* by the Army which his Father had train'd, tho he had numerous Armies, or rather a great Militia brought against him, yet he made an easy as well as a speedy Conquest of the *Persian* Empire. While the *Romans* were but a Militia, tho they were the best that ever was, they made War on their Neighbours, who were weaker than they, with great Advantage : but when *Hannibal* came against them with a trained Army, they fell before him upon every Occasion, till a long War had taught them that Art, and then they not only beat him out of *Italy*, but forc'd *Carthage* to a Submission. Nothing stood before the *Roman* Armies, as long as they were kept under Discipline ; but when all the order of War was broke, and they became a Militia, the Northern Nations in *Europe*, as well as the *Saracens* in the East, over-run the *Roman* Empire. As the *Saracens* slacken'd their Discipline, the *Turks* carry'd it from them : And if they had depended on their *Timariots*, and had not trusted more to their *Janisaries* and *Spahies*, they had not been the Terror of *Christendom* for so many Ages. So certain it is, from the Histories of all Nations, that regular and disciplin'd Troops will be far superior to the best and strongest Militia in the World.

Militia in
Q. Eliz.
Time.

To all this it may be said, How did we do in Queen *Elizabeth's* Time ? Our Militia was then our only Army ; to it we trusted, and we were preserv'd by it. But I must crave leave to put you in mind of some Particulars in this part of our History : We were then in such imminent Danger, that we were given for gone by the wisest Men of the Age : It was the Storms and Winds, the disproportion'd Bulk of their Ships, the Stiffness of the Orders, and the Disast given to the Prince of *Parma* ; all which concurred at that time to save *England*. Neither our Militia, nor our Fleet had a share in it ; there was an extraordinary concurrence of many Things in that Juncture that preserv'd us ; but it were to presume too much on Providence to lay our selves as open as we were then, because we were at that time so wonderfully deliver'd. But I must tell you our Danger is now much greater : *Spain*, it is true, had then a great Armada, vast Treasures, and well disciplin'd Armies : But tho their Army lay near us in *Flanders*, the Scene of their Councils, their Fleet and Treasures were at a great distance from us ; and yet all the wise Men of that time thought we must have perish'd then. The Danger is now both nearer and greater ; a mighty Power, well united and practis'd in War, and a great Naval Force is in view of us. It will be therefore no Argument, because we run a great risk in Queen *Elizabeth's* Time, but were wonderfully sav'd, that therefore now when we may be in greater hazard, and have a more formidable Neighbour at our very Doors, we ought to take no care of our selves, but neglect the only probable Means of our Preservation ; we have had two wonderful Eighty Eights, but we presume too much if we look for a Third, without taking any further care how, or by what means we shall be sav'd.

Vere's
Saying to
Q. Eliz. a-
bout the
Militia.

I will add no more upon this Head, but will only tell you a Saying of one of the *Vere's*, which is still remembred in the Family. The Queen sent to the States for those two famous Generals to command her Army : It seem'd full of Zeal and Courage. The Queen rid up and down through it, to animate the Soldiers, and was every where answer'd with Shouts and Acclamations : She ask'd one of the Brothers what he thought of the Army ; he answer'd, It was a brave Army. But she saw by his manner that he was in some doubt about it, so she charg'd him to explain himself : he said, He had not the Name of a Coward in the World, but he was the only Coward there. They were all wishing to have the *Spaniards* land, and every Man was telling what Feats he would then do ; he was the only Man that was trembling for fear of it.

The last and strongest Objection against all this is, That this Force will grow upon us, and continue among us : It will have such an Influence within Doors, that it will maintain it self in the House of Commons ; or if that should fail, it will turn them out of Doors, and quickly find ways to subsist, to grow upon the Ruins of Liberty and Property.

This

This is a large Field, and History is so full of Instances this way, that it will be easy to open copiously on the Subject: From the *Pretorian Cohorts* down to our Modern *Instance from the Pretorian Cohorts.* Armies, enough can be gather'd to give a very frightful Representation of a *Standing Army*. Who doubts it? But all the Rhetorick that this Head will afford, is wrong apply'd in this case. It is not to be suppos'd, but that once a Year a Parliament must have this Matter afresh under their Consideration. They will see how the State of Affairs varies, either at home or abroad; and whether the Forces are brought under such a Management, that there is just cause of Jealousy: and I leave it to you to judg, whether it is possible in so short a time so to model and influence it, as to prepare them to invade their Country, and to destroy our Constitution. What *Cesar*, with all his Genius, could not work his Army to, but after ten Years Conduct and Success, can give small encouragement to others to attempt to bring it about in one Year. Perhaps you are more afraid of a secret Influence, than of open Violence from them. The short of this is, You are afraid the House will be corrupted: I confess it is hard to answer this, Jealousy is stubborn and incurable; Melancholy when it grows to be a Disease, raises many imaginary Fears; they who are haunted with that fullen Humour, neither know vvhat they are afraid of, nor why. Possible Accidents are ever before them; and the thinking of these perpetually, ruins their Health, sours their Humour, and makes them neglect all their present and certain Concerns, while they are ever dreaming of what will probably never happen. We must consider our present Danger, and the likeliest Ways of securing our selves from it, without amusing our selves with what may possibly be brought about at some distance of time. Our Representatives do well to secure our Constitution by the most effectual Means they can think on: But after all we must trust *England* to a House of Commons, that is to it self. Whenever the fatal Time comes that this Nation grows weary of Liberty, and has neither the Virtue, the Wisdom, nor the Force to preserve its Constitution, it will deliver all up; let all the Laws possible, and all the Bars imaginable, be put in the way to it. It is no more possible to make a Government immortal, than to make a Man immortal. I do not deny but several Inconveniences may be apprehended from a Standing Force, and therefore I should not go about to persuade you to it, if the thing did not seem indispensably necessary to our Preservation. I would not have us venture upon present and certain Ruin, because that which must preserve us now from it, may at some time hereafter have ill Effects on our Liberty. They cannot be considerable as long as *England* is true to it self; and whensoever the Nation has lost that Noble Sense of Liberty, by which it has been so long preserv'd, it will soon make Fetters for it self, tho it should find none at hand ready made.

To conclude, This Matter is of so nice, and yet of so important a nature, that it ought to be severely examin'd, without false Colours or popular Rhetorick; you know me to be so jealous of Liberty, to have been always so true to it, to have ventur'd so much for it, and to have such a Stake in it, that you cannot suspect me. You know that I neither have, nor can have any Views in this Matter, but at our present Safety, as well as the Continuance of our Constitution and Liberty for the future.

A Let-

A Letter from the Author of the Argument against a Standing Army, to the Author of the Ballancing Letter.

S I R,
TH O the Journy-men Scriblers with all their Scurrility can't provoke me to give them an Answer, yet when I see my self level'd at in such soft Language and Gentleman-like Behaviour, I am the more afraid; *Timeo Danaos, & dona ferentes.*

You have been pleas'd in your last Paragraph to own the Matter to be 'so nice and important, that it ought to be severely examin'd, without false Colours and popular Rhetorick; and you are pleas'd to give your self the Character of one 'zealous for Liberty, a great Adventurer for it, and to have a great Stake in it. If you are the Gentleman I guess you to be, I believe your Stake is now considerable; but you being a great Adventurer in getting it, it is not worth magnifying your self for it; which gives me occasion to say, I am not of a desperate Fortune, and what Stake I have being provided for me by my Ancestors, I am more afraid of losing it than if it were my own Acquisition. And after this short Preface, I will proceed to examine into the Matter, *without false Colours or popular Rhetorick.*

I think your Letter has shew'd these three things.

1. What you would have.
2. How long you would have it.
3. For what Reasons.

First, I perceive you would have us believe we have 'an Honourable Peace to the 'wonder of the World, and that nothing can hurt us but Animosities and Jealousies amongst our selves: And secondly, you would have 'a Land Force to maintain this Peace.

Now, Sir, I must beg your Pardon if my Faith differs from yours; for I can't believe we have an Honourable Peace, in case we are oblig'd to keep up a Standing Force to maintain it. Peace is a Cessation of the Exercise of the use of Arms, that we may with safety turn our Swords into Plough-shares, and Spears into Pruning-hooks; and the Prayers of the Church commanded by his Majesty for Thanksgiving for this Peace, have taken in that very Text: And if this our Peace will not answer this Character, it is not such a Peace as you would have us believe we are blest'd with. But since we have not such a Peace (for you know better than I) I will go on for Argument-sake with yours, to supply this Imperfection in it. You are pleas'd to say, *Page 585.* when you seem to prepare us to consider of the Necessity of a Land Force, 'You are far from the thought of a *Standing Army*. Now I'll tell you, Sir, what I apprehend a *Standing Army* to be; Horse and Foot rais'd under Commission granted by the King, with Swords and Pistols, Pikes and Muskets, Poudre and Ball to kill Men. If you by your *Land Force* mean none of all these, I am very impertinent in differing with you: But till you are pleas'd to distinguish your *Land Force* from this Description, I believe all Men will think you mean the same by a *Land Force*, as I do by a *Standing Army*; which if you do, then you have declar'd your Thoughts against it, and made your self guilty of the most apparent Contradiction that ever I saw wrote in so good a Stile.

*Honourable
Peace and
Standing
Force not
consistent.*

The next thing you shew is, How long you would have these *Land Forces* continue, and that is from Year to Year: Which puts me in mind of a Covenant us'd in conveying Lands in *Holland*, whereby the Seller warrants the Land to the Purchaser for a Year and a Day, which according to their Law is for ever; and so, I suppose, when you say from Year to Year, you mean *in secula seculorum*, as will appear by and by.

The third thing is, for what Reasons you would have this. And, first, 'you abhor to give his Majesty a Jealousy of his People, as if he were not safe amongst them without Guards. But you say the Case at present is, 'Whether, considering the Circumstances that we and our Neighbours are now in, it may not be prudent and necessary for us to keep up a reasonable Force from Year to Year: And so you seem to lay a great stress upon the Fashion of other Countries. You say, *Pag. 586.* 'The whole World, more particularly our Neighbours, have now got into the mistaken Notion of keeping up a mighty Force; and the most powerful of these happens to be our next Neighbour, who will very probably keep up great Armies, and we may appear too inviting if we are in an unguarded Condition.

Now, Sir, as to the Fashion of other Countries: I remember that God having declar'd Laws to the *Israelites*, commanded them to keep them, and not to follow or hanker after the Fashions of other Nations, either in Worship or Government. And if we are in the Fashion of our Neighbours in having an Army, we must have their fashion'd Government too. It is the Fashion of the *Fr. K.* to have a *Standing Army*, and it is the Fashion of his Subjects to be Slaves under that *Standing Army*. I observe Men that are addicted to Fashions, follow them in every thing. Now to be Freemen under a *Standing Army* is not the Fashion of our Neighbours: And I am afraid we shall never think our selves compleatly in the Fashion till we have got wooden Shoos too. Fr. King not to be imitated.

But I see, Sir, you are not so much a Fop as to be in the Fashion for fashion-sake, but that you think there is a Necessity for it; for you are afraid of being invaded by our Neighbours, 'the next and greatest of whom will probably keep up great Armies. And here by the way before I forget it, I would put you in mind of your Tenure from *Year to Year*; for I think by this Argument, you would have our Land Force to continue as long as the *French King* is in a mistaken notion of keeping up great Armies, so that from Year to Year is already become a Phrase for ever.

For my part I should be unwilling to stay for any thing I wish for till the *French King* disbands his Army. Therefore, Sir, don't draw Men into your Proposals by sowing Pillows under them, by soft Language of a *Land Force*, not *Standing Army*, from Year to Year, under the Consideration of a Parliament. Let us have plain words, and then your Proposals, according to your own Reasons, must be for a *Standing Army* in *England*, as long as the *French King*, or any of his Successors, keep up a *Standing Army* in *France*. You had as good open your Matter fairly at first, for every thing else is but flourish till you come to the Point. Land Forces from Year to Year.

Now, Sir, I confess I give as little credit to the Words and Leagues of Princes as you do, and depend more upon their Interest than Integrity for the performance of them, and therefore am not for leading them into Temptations to attack us, and would always have a Defence sutable to our Danger. Nature hath arm'd all Creatures with Weapons to oppose those that assault them, and the Policy of Man hath found out several artificial ones for himself. Now the sole Debate between us is, In whose Hands these Weapons should be put. Leagues not always to be trusted.

Of this matter I have discours'd in my *Argument*, *pag. 573, &c.* which you neither can or do pretend to answer, and therefore I refer you thither again. Indeed in *pag. 587, 588.* you tell us, 'That Regular and Disciplin'd Troops are far superior to the best and strongest Militia in the World, admitting this Condition, that there are no Regular or Disciplin'd Troops in that Militia.

But I will make bold to tell you, that the Militia may be as well disciplin'd as any Army; nay our own Army, if they were disbanded, will most of them be sent to the Militia; and I suppose calling them by a new Name, will not make them worse Soldiers. Now as to your Instances in History, I shall only make this small Objection to them all, That you are mistaken in every Particular. For the *Persian Army* Militia disciplinable.

Army was made up of Standing Troops, kept up in the several Provinces of the Empire, and not of Militia, as you falsely insinuate: and with these Armies they conquer'd easily the several Principalities which made up their vast Empire, and were defended by *Standing Armies*; but when they came to fight with the *Greek Militia*, all their mighty Armies came to nothing. Of this we have the Instances of *Xenophon*, who with ten thousand *Greeks* marched three thousand Miles through their Country in spite of a numerous Army observing him. Afterwards of *Agessilaus*, who with a small *Spartan Militia* had put an end to the *Persian Empire*, if the Factions of *Greece* had not call'd him home. The mighty Army of *Xerxes* was destroy'd by a *Greek Militia*. Nay, the better part of *Alexander's Army* was made up of a Militia taken out of the several Cities of *Greece*.

Instance
from the
Romans
answer'd.

The Instance you give of the *Romans*, makes as much against you; for they found more Difficulty in conquering a few little Commonwealths about them, who fought by Militias, than *Asia*, *Egypt*, and all the arbitrary Governments they conquer'd, which fought against 'em with standing Armies. Who will deny that *Cæsar's Conquest* over the *Gallick Militia*, were greater than *Pompey's* over the *Asiatick* standing Armies? And whereas you say, Page 588. 'That nothing stood before the Roman Armies whilst they were kept under Discipline; but when all their Order was broke, and they became a Militia, the Northern Nations in Europe, as well as the *Sarazens* in the East, overrun the Roman Empire: I must take leave to say, the just contrary to this is true: for whilst they fought by a Militia, they conquer'd the whole World; but afterwards in the time of the Emperors, when they kept up standing Armies of three hundred and sixty thousand Men, as *Tacitus* reckons them, they were overrun by every barbarous Nation that invaded them.

Your Instance of *Hannibal* is nothing to the purpose, for the *Carthaginians* did not beat the *Romans*, but *Hannibal* the Roman Generals: He got no Victory but by his own single Conduct; and when the *Romans* fought against any other General, they were seldom unsuccessful.

Turkish
Armies op-
pos'd by
Militias.

The *Turks* also met with much more Trouble in subduing the *Hungarian* and *Epirot* Militias, than all their Empire besides. *Scanderbeg* with a small Militia came off constantly successful in two and twenty Battels against their numerous standing Armies. *Huniades* and his Son *Matbias*, fought always with Militias against the *Turkish* standing Armies, and perform'd such Actions as Posterity can hardly believe, and I am sure were never equal'd by any other Force.

And whereas you say, 'the Preservation of *England* in Queen *Elizabeth's* time was by accident, and we must not always expect to live upon Miracles: I don't find but that excellent Princess, and her Court, were of another Opinion. We don't find her, or her Creatures, after the *Spaniards* were defeated, to use this Cant to the Parliament: 'Gentlemen, you see what a Danger you have lately escap'd, we were preserv'd by Providence and Chance, but I hope you will not always expect Miracles: It is necessary to keep up a standing Force, for I can't depend upon the Defence of my People. She scorn'd such Trash, and would have cag'd any evil Counsellor who durst give her such Advice: She thought her self safe in the Affection of her People, tho this Gentleman at above a hundred Years distance, tells her the contrary.

Surprise ap-
prehended.

But you seem very apprehensive of being surpriz'd without Notice; and mention, Page 586. the late Attempts from *la Hogue* and *Calais*; and that 'if in a time of War and Jealousy we were so near being fatally overrun, without Warning or Intelligence, it is much more possible to see such Designs laid in times of Sloth and Quiet, when we are under no Fears, and may have no notice of it. Sir, I have no better opinion of our Intelligence during the War, than you have. However the Business of *la Hogue* was the Talk of the *Exchange*, and in all the publick Prints, besides the Gazette, two Months before it happen'd: And as to that of *Calais*, his Majesty, by his extraordinary Care, surpriz'd the Enemy with seventy Sail on their Coast, which they never expected. And that our Notice should be more difficult in Peace than War, I cannot understand, since in the latter all Ports are shut, and Merchants stop'd; and in the former the Ports are open, Travellers abroad, Merchants at Sea, and an Ambassador at their Court.

A free and
arbitrary
Govern-
ment cha-
racteriz'd.

Page 587. you give a great Character of arbitrary Government, where Men are ruin'd that fail in performing what is expected from them, in keeping the Secrets that are enjoyn'd them, by which the Prince can execute things in other manner than can be conceiv'd by those that live in free Governments. I am sure if Impunity of those who fail in performing their Duty, and in keeping our

Se-

Secrets, be the Character of a free Government, we are free with a Witness. But I can't see why the punishing of them should be inconsistent with a free Government.

And after all, you seem to apprehend as ill Consequences from a Standing Army as I do, as *Page 589.* where speaking of the Dangers of it, you say, 'This is a large Field, and History is so full of Instances of this kind, that it will be easy to open copiously on the Subject. From the Pretorian Cohorts down to our Modern Armies, enough can be gather'd to give a very frightful Representation of a Standing Army. And afterwards, in the same Page, 'I do not deny but several Inconveniences may be apprehended from a Standing Force, and therefore I should not go about to persuade you to it, if the thing did not seem indispensably necessary. Now I suppose by indispensable Necessity you mean, you are sure without this Army that our Neighbours will invade us, and that it is impossible our Fleets or Militia, however manag'd, can be able to defend us: whether there is such a necessity or not, I refer you to my Argument; and if there is not, you have given up the Question: For you, in effect, admit a certain Slavery on one side, and if there is but contingent Ruin on the other, it is easy to determine on which side the Ballance lies. But you say that the Parliament shall overlook it; but will you be Security the Army shall not overlook the Parliament? O but that can't be if they are kept up from Year to Year! 'Caesar with all his Genius could not work his Army to it in less than ten Years.

Apprehensions from a Standing Army.

Sir, If that be the exact time of corrupting an Army, pray consider that ours hath been kept up nine Years already. But I am as far from any Jealousy of his present Majesty as you are, and yet I am not afraid to say, that Army which can do no hurt, can do no good.

It is impossible to consider of a Standing Force which shall be sufficient to oppose a Foreign Power, without considering it at the same time sufficient to suppress the Subject at home: for they must beat those who you suppose can beat us; and I must confess I am unwilling to depend on their good Will.

Sir, *Page 589.* you seem to think me a jealous, melancholy and timorous Man, over-run with the Spleen; but I fancy my self as free from all this without a Place, as perhaps you are with one. Come don't fear your Stake, I dare give you Land Security that you will come off a Winner.

And as for the gallant Gentlemen of the Army, who you fear will be Losers, I shall be as ready as you to recompense them for their Bravery. But to suppose our Fleets to be surpriz'd and betray'd, our Militia to be recreant, and all our Intelligence, Fidelity and Courage to be lodg'd in a Standing Army, I must confess is out of my Power.

In *Page 587.* you say, 'You can't see some Men grow all on a sudden such wonderful Patriots, so jealous of the Prerogative, such Zealots for publick Liberty, without remembring what their Behaviour was in the late Reigns. Now I must own to you, I am better pleas'd to see this, than to see some Men who were such wonderful Patriots, &c. in the last Reigns, act the same part now as much as in them lies, as the others are said to have done formerly.

Patriots in the late Reigns.

Before I have done I must take notice of one Passage in *Page 589.* You say, 'Whenever the fatal time comes that this Nation grows weary of Liberty, and has neither the Virtue, the Wisdom, nor the Force to preserve its Constitution, it will deliver up all, let all the Laws possible, and all the Bars imaginable be put in the way to it. It is no more possible to make a Government immortal, than to make a Man immortal. When I join this to the sensible Impressions you seem to have of the Danger of a Standing Army in the next Line, and yet an indispensable Necessity of keeping one, methinks you give broad Hints that you think our time is come. But I doubt not there is Virtue enough yet in England to preserve our Constitution, tho a wiser Head than yours design'd its Ruin.

No Danger of ruining the Constitution.

I will conclude in telling you we have a happy Government, where the King hath all the Power necessary to execute the Laws. All Title arises upon an equal Distribution of Power; and he that gets an over-balance of Power (for you and I are ballancing) takes away the Title from the rest, and leaves them a Possession without a Right, which is a Tenure at the Will of the Lord.

Now Sir, if a Parliament should subject all the Lands of England to this Tenure, I make no doubt your Stake and mine would be as safe during his Majesty's Reign, as in our own Possession; and yet if you will promise me to bring in a Bill to that

pur-

purpose, I am contented that all I have said about a Standing Army shall go for nothing.

Sir, In hopes you will keep up your Correspondence, I conclude my self

Your most humble Servant.

The Militia Reform'd;

Printed in
1697.

Or an easy SCHEME of furnishing England with a constant Land Force, capable to prevent or to subdue any Foreign Power; and to maintain perpetual Quiet at Home, without endangering the Publick Liberty.

THE following Discourse (most noble Lord) begun at your Request, and finish'd within the short time you prescrib'd, is now made a present to the World; which if the Favour deserves any Return, is oblig'd to your Lordship for the Publication. You have long since justly acquir'd the Esteem of all good Men; and the known Measure of their Prayers, when they wish their Relations happy, is, that they may equal your Lordship's Probity and Understanding. But tho you neither want, nor desire the Regards of any besides the vertuous; yet no News can be more pleasing, than to hear of a constant Addition to your Friends, this being an infallible Sign, that the Number of Publick-spirited Men increases: For he must needs be your sworn Enemy, who is not a hearty Lover of his Country. I purposely forbear to express your Name, or to enlarge an Encomium, which, I know, will not be grateful, tho unsuspected of Flattery; and therefore I leave your Lordship to be entertain'd by mine, or your own more solid Observations.

Advantages of a free Government.

Liberty of England.

1. **T**O employ ones Thoughts on what he pleases, and to speak as freely as he thinks, is the greatest Advantage of living in a free Government; the next to this is being Master of what you possess from the Favour of others, or by your own Industry; and then, that Merit is indifferently rewarded in Persons of all Conditions and Degrees. Their due Value is ordinarily set upon the two last by most Men, and Life it self should be readily expos'd to maintain or acquire the first; for, without it to live, is, in my Opinion, worse than any Death. Under Despotick Princes none dares mutter at his own, or the Sufferings of his Fellows; much less put so much Confidence in his dearest Friend, as to condole their common Slavery, where the Informer is tempted with immense Rewards, and certain Death or Disgrace attend the accus'd. This is the blessed Unity of that Constitution which some admire so much, because no Complaints are heard in it; whence they would persuade us, that it is also free from all Grievances. But where Laws secure the Rights of the Subject, with the same Care as the Privileges of the Magistrate, no sooner is any pinch'd but he cries out; and the Authors of the Peoples Oppression are oblig'd to change their Conduct, or to rectify their Mistakes. Either the Prince is disabled, when his Ministers have seduc'd him by false Representations; or sometimes the Ministers refuse to act, if the Prince be resolv'd upon arbitrary Courses. Now, 'tis our peculiar Happiness in England, that no other Government in Europe is equal to us, whether the Dignity of the Magistracy, or the Liberty of the People be con-

consider'd. But particularly in all dubious Affairs of publick Concern, 'tis every Man's Duty to assist his Country by his Advice, as well as with his Hand in time of Danger: And Matters are as freely debated among us abroad as within their own Walls by our Senators, who likewise in their printed Votes inform us of all their Resolutions and Proceedings. These Considerations, join'd with the Request of a Person I honour, have prevail'd with me to deliver my Opinion at this time concerning the modelling and disciplining of our Militia; and I question not but it will by our wise and august Parliament be establish'd on such a foot as shall effectually defend us hereafter against all foreign Force, and constantly preserve our Freedom and Peace at home.

2. But before I descend to any Particulars, I must premise something concerning the present Factions that unfortunately divide us, and discover their fatal effects too much upon the present Occasion. One says, the Tories will never heartily consent to any Model that makes the Militia useful: Another replies, that this is only an ill-natur'd Insinuation, while some of the Whigs oppose the thing openly, and are glad of any Pretence to conceal their true Reasons. But these Names are now of a very doubtful Signification. We hear of Court and Country, of apostate and adhering Whigs; nor are the Tories more united among themselves. 'Tis observable that no Man, however otherwise negligent of his Conduct, is willing to own that without any Reason at all he differs from others in Word or Action: but whether he dissembles, or ingenuously tells the Cause of his Dissent, yet Interest or Conscience (real or mistaken) are the two principal Springs of all Divisions. Indeed we find by frequent Experience, that where Interest secretly governs, Conscience is openly pretended; but in this Case no body's bare Profession is to be regarded, his Actions being the most certain Interpreter of his Thoughts. If one therefore, who would pass for a Patriot, has any Interest separate from that of the Publick, he's no longer entitl'd to this Denomination; but is a real Hypocrite that's ready to sacrifice the common Good to his private Gain, than which no worse can be said of any particular Faction. Now such Distinctions as these of Whig and Tory, cannot miss of being often made with a great deal of Partiality and Injustice; for, according to your predominant Passion, he's a Whig whom you love, and he that you hate's a Tory; and so on the contrary, as you happen to be engag'd in either Party. Notwithstanding, 'tis sometimes a mighty easy thing to see thro all these feign'd Pretences. Should one, for Example, who was formerly taken for a Friend to Liberty, now that he has got or expects Preferment, neglect or oppose any publick Good, in promoting which he might be disappointed or depriv'd of his Post; this Man must not think to live always upon the Credit of the old Stock, when it appears that either he has intirely chang'd his Sentiments, or was never sincere; and that he resisted the former Powers, because they were not kind enough to him, but not out of any fix'd Enmity to Slavery. Some Folks there be who seem'd at the beginning to favour the Revolution, yet ever since oppos'd the Government, because they think their real or fancied Merit not sufficiently rewarded by the King, to whom it is impossible to heap Preferments upon every body tho ever so deserving, unless they would be all Commanders without any to obey them. But we likewise know others who from Enemies to King William, are become his Friends; and this of all Changes is the most natural and commendable, that one who by Education, Example, or otherwise, was once engag'd against the Interest of his Country, should upon better Consideration desert a Party to join with the Publick. Several of these, it may be, never thought for one hour of the Original or End of Societies, till the late Differences gave 'em an Opportunity and Incouragement to do it: And if the Discovery of Truth proves to be the Result of their Study, we ought not to reject their Reasons now, because we justly disallow'd their Errors before. Certainly a true Patriot can be of no Faction, nor consequently for excluding any from sharing the Blessings of that Liberty they are willing to support. If the Romans admitted their vanquish'd Enemies to an equal Participation of their Laws and Privileges, how much more readily should we embrace our own Countrymen with both Arms, and welcome the Return of our prodigal Brethren to their Duty towards our common Mother? But granting that in this Business of the Militia, some of those who promote it are not sincere, tho Charity commands us to hope the best, we need not be solicitous whether they are or not, so long as the thing is good in it self, and they concur with us in establishing a Constitution they cannot afterwards resist if they would, nor, I hope, be willing if they could. This is the highest Mark of Sincerity; and, for my part, I shall never think him a

Whigs and Tories divided about the Militia.

Interest or Conscience the true Springs of Divisions.

Who Friends to Liberty.

Converts to King Wil.

Phil. 1.
15—18.

For to England that has a hand in it. But if any continue still scrupulous, let him not be ashamed to imitate the Prudence of the great Apostle, who said, *Some preach Christ even out of Envy and Strife, and some also out of Good-will: The one preach Christ out of Contention, not sincerely;—but the other out of Love.*—What then? Notwithstanding, every way, whether in Pretence or in Truth, Christ is preach'd; and I therein do rejoice, yea and will rejoice. Now what's judg'd lawful in Religion, and by an Apostle too, may, I think, with a very good Grace be admitted in Politicks. After all, I am the farthest imaginable from being an Advocate for any disaffected Persons. The Government is under no Obligation to indulge Men continuing in opposition to it; nor should those, who are resolv'd upon adhering to the late King, think upon abusing the Lenity of the present, if the immortal Brutus spar'd not his own Sons, when they were found plotting the Restoration of the abdicated Tyrant.

Want of
Vertue com-
plain'd of.

3. Another thing I am sorry to hear out of a great many Peoples mouths, is, that we have not Vertue enough to agree upon any tolerable Model of training our Militia, and that it's almost impossible we should ever recover our former Reputation of Valour. But this Argument is nothing the less weak for being so common; and the true Intent of such as always cry none but good Men can make good Laws, is (besides affronting others) to place all Power in the hands of their own Party, who with them are the only good Men. 'Tis Government or Education makes all the Difference among Nations as to Military and Civil Discipline, foreign Commerce, domestick Oeconomy, or the like. Upon the first Discovery of this Island by the Romans, its Inhabitants were found as savage as we know the Americans to be now. The Climate of Rome is still the same, the Bodies of its Citizens, and the Distances of other Places remain the same; yet they have wholly lost the Secret of conquering the World, and are become as poor and mean-spirited as their Ancestors were gallant and brave; for the latter were free, and the former are ignorant Slaves. To come nearer home, all the pains imaginable have been taken for a considerable space to render our selves luxurious and illiterate, the better to dispose us to favour the tyrannical Designs of our late Kings. But have we not so retriev'd our Credit in Europe under the Administration of his present Majesty, as if we had voluntarily suffer'd it to be eclips'd a while, that it might shine brighter ever after? And to apply this more particularly still, I readily own that the Militia, as now regulated, is burdensom and useless; but it follows not that all are necessarily so, the contrary being plain from the Histories of every Age, as well as from present Experience. And before I have done I shall give a Demonstration that the Frame of our Militia could not be more successfully contriv'd to render it the Object of the Peoples Contempt and Aversion, with a design to create in them a good opinion of Mercenaries, and to make 'em believe a necessity of always keeping up a Standing Force of such. In a word, when our Men are better train'd, they will not make such a ridiculous Figure under their Arms; and when the Charge is less felt or laid out to better purpose, it will be more cheerfully paid.

The Soldi-
er's Plea.

4. But we are still encompass'd with many Dangers. It's said that those Soldiers who have so bravely fought for ours and the Liberties of Europe, declare it is not from any private Interest of their own, but out of regard to our future Safety, they desir'd to be kept on foot; and that in Honour we ought not to discharge Men who suffer'd so much for our sakes. We are to blame indeed if we don't sufficiently provide for our own Security; but as to the Soldier's Merits, I answer first, that their past Service is duly acknowledg'd, and order'd to be rewarded. Secondly, That such as never saw our Enemies, are more clamorous than those who beat them. And Thirdly, That this unreasonable Demand was not made by the Body of the common Soldiers, who are generally desirous of returning home to their Wives, or their Relations, or their Callings; and more particularly at this time, because that hitherto they have known nothing but the Danger, Want or Fatigue of the War; whereas, once tasting the Pleasures of Idleness and Ease, they will every day become less willing to disband. And now the Question all this while ought not to have been, whether these Gentlemen mean what they say, or only pretend it; but what's most for the advantage of the Nation. This was the Motive of raising them, and should be that of establishing or laying them aside. War being their Trade, 'tis no wonder if they be always for continuing it; nor can it ever happen to be otherwise, should they be wholly left to themselves, no more than any other Persons, without the Intervention of the Civil Authority, would reform the Abuses of their own Professions. But the Parliament has now put an end to this Dispute; and, to the great Satisfaction of all good men, granted to his Ma-
jesty

jesty a sufficient Guard both for the Honour and Safety of his Person, with a competent Number besides to secure some important Places till the new Militia is regulated, which, I hope, in a little time may be happily effected. In the following Model Provision is made for several hundreds of the disbanded Army, and I dare say the Change propos'd in their Condition will give most of 'em Satisfaction; tho, by the way, they ought to be content, should the Parliament proceed no further to gratify them than they have already resolv'd. The most stupid Soldier knows very well an Army has nothing in it so charming that could induce the Nation to raise one, but upon some pressing Necessity, and not to keep 'em up perpetually; nor can the Service perform'd be ever so great, as not to be requited under such a Return. I cannot determine whether it would occasion more Indignation or Mirth to hear a Man contending, that because the Soldiers defended our Liberty at the publick Charge for nine years against the French, we can do no less than become their Slaves for ever. This Paradox is too gross for any to maintain, or perhaps to intend; yet every considering and indifferent Person must perceive the Consequence to be true. I shall therefore, to avoid the Labour of proving what is self-evident, put you only in mind of the Gentleman, who, having engag'd the Maid to speak a good word for him to her Mistress, would needs when the Lady consented quit her, and marry the Maid, out of pure Gratitude for the pains she had taken on his behalf.

A sufficient Guard granted his Majesty.

5. But the Honour and Safety of the Nation is the commendable Design of all sides; wherein they are certainly in the right, since all Countries must have some Force to defend them against foreign Invasions and domestick Tumults: for as it was their own Good and Security which occasion'd Men first to quit the State of Nature, and to associate themselves into Governments; so the Raising and Regulation of their Forces must be directed and accommodated to the same ends. An Island is best situated for Preservation, as having need of little other Force either to infest foreign Coasts, or to protect its own, besides a numerous Fleet which it can never want. But if it be likewise a Government for Increase, such as ours, its Situation naturally leading it to Trade and planting of Colonies; and if it has the noble Ambition of holding the Ballance steady between other Governments, of succouring the Distress'd, and grudging Liberty to none, then it must be always provided with a considerable Land Force. Of this there's no Dispute. Then the only Question is, Whether it be safest to trust Arms continually in the hands of ignorant, idle, and needy Persons; or, only when there's occasion for it, in the hands of sober, industrious, and understanding Freemen. That the latter can never be dangerous to our Liberty and Property at home, and will be infinitely more effectual against an Enemy attacking, or invaded by us, I am now going to prove; and at the same time to deliver an intelligible and practicable Model of disciplining and maintaining such a Force with very little Charge, and no Trouble at all. My Method shall be to lay down a few Propositions, and those very short, to each of which I subjoin a Discourse confirming or explaining it, and containing what other Remarks might be naturally made in that place. But I am so far from writing all I have read or observ'd upon this Subject, that I shall omit several useful things wherein the World seems to be already well satisfy'd, or that are not absolutely essential to my purpose. As I expect the common Fate of all Writers, that some probably out of Ignorance or Malice, and others perhaps from substantial Reasons may except against my Performance; so I desire (as in Justice I am bound) that all real Imperfections, or whatever the Injudicious and Envious may mistake for such, be wholly laid at my own door, and not charg'd upon the Subject, which ought not to suffer under the Disadvantage of unskilful Management.

The Safety of the Nation the chief Design.

6. Now my first Proposition shall be, *That England consisting of Freemen and Servants, none be capable of serving in the Militia but the former.* By Freemen I understand Men of Property, or Persons that are able to live of themselves; and those who cannot subsist in this Independence, I call Servants. The bare Explication of the Terms should, one would think, be sufficient to persuade any Man of Sense that the former should not only be sooner trusted with Arms than the latter; but that they must needs use 'em likewise to better purpose. For besides that all the Endowments which Nature has made common to both are improv'd in Freemen, the very Temper of their Bodies being much stronger and livelier by better feeding, which is no little Ingredient to Courage, they fight also for their Liberty and Property; whereas the other have nothing to lose but their Lives, which are likewise infinitely dearer to those whose Circumstances render 'em more agreeable and easy.

Militia to consist of Freemen.

The

The Prac-
tice of the
Romans.

Mercenaries
the Support
of Tyranny.

Freemen the
best Support
of Liberty.

The Romans, who understood the Art of War beyond all the World, did not make Soldiery a Refuge to Poverty and Idleness: for none but Men of Fortune and Property, whose private Interest firmly engag'd them to the Publick Good, had the Honour of serving in their Armies. Nay, so far were they from employing the poor and servile sort, that unless a Man was worth a certain Sum appointed by Law, he was excluded from military Duties, which in that Government was thought no reputable Privilege. All that enjoy'd not the Property assign'd, they partly call'd (a) *Pollmen*, as being return'd for nothing but their Heads in the publick Taxation; and partly (b) *Breeders*, as being no other way useful to Rome, than by increasing the number of its Citizens. (c) *Seeing a man's real or personal Estate, says Aulus Gellius, are a sure Pledg and Hostage for his Fidelity to the Government, and that these Enjoyments seem to be the ground of one's Love to his Country, therefore neither the Breeders nor the Pollmen were listed as Soldiers, but in case of extraordinary Tumults or Insurrections.* But they were arm'd upon those occasions by the (d) Publick, and rather employ'd in keeping watch and ward at home, than led into the Field against the Enemy. We find that all those who aspir'd at Tyranny or any unlimited Power above the Laws, as (e) *Marius* for example, did constantly make Levies of the poorer sort, putting Arms into the hands of those that had no stake to lose, and who for that reason would be sure not to design the Good of the Commonwealth, but only his Profit that employ'd them: nor will they be more faithful to the latter than to the Government, when any other makes them a more advantageous Offer. Now, all this is natural enough, and should not surprize any body: for the same reason that prevails with the Rich to fight for that Government, whose excellent Constitution secures his Property to him, moves the Indigent to serve against it; and that is to make both their Lives more easy: whence it may be concluded, that Citizens will always appear for Liberty, and Servants fight for Bread. 'Tis well known, that all the World over, wherever the Sword is in the hands of the People, it is a free Government, be it of one or of many; and on the contrary all Tyrannies are supported by Mercenaries: nor is there any thing peculiar in our Soil, our Air, or in our Persons to hinder the same Circumstances from producing the like Effects. It is likewise to be consider'd, that all Wars carried on by Freemen are suddenly finish'd, because, not being instigated by Want or the desire of Rapine, they are ever longing to return home to reap the Pleasure of their own Possessions, together with the agreeable Society of their Families, Relations and Friends. But all Wars manag'd by Mercenaries prove extremely tedious and burdensom, for they never end till the Country that employs them be exhausted of all its Treasure, which is their sole Motive of making Peace. It ought to be also remark'd, that a Militia of Freeholders is not only harder to be conquer'd than that of Servants or Mercenaries, but must be even superior to an Army wholly compos'd of Gentlemen under an Arbitrary Monarch: for the latter, notwithstanding their Honours and Privileges, are not absolutely free, but retain'd on the behalf of Tyranny; whereas Men of Property being all disciplin'd (as we propose) and having Arms in their hands for the Defence of Liberty, upon which from their Infancy they are taught to value themselves, and to prefer it to all other Conditions (Life, Riches and Honors without it being not only precarious, but of no other use than to prolong a miserable and infamous Slavery) Freemen, I say, thus train'd, excel all others in Greatness of Soul and Courage: nor are their haughty Spirits ever to be subdu'd, especially when they consider they are fighting for their own, and not otherwise employ'd for their Fellows than these are for them, their common Endeavours being to secure every man's private Property. Such a Constitution, where all Persons are equally educated in Civil and Military Discipline, was never conquer'd by any Standing Armies, unless previously weaken'd by some intestine Divisions. On the other

(a) Capitecensi (a Capitis censione) vocabantur qui nullo aut perquam parvo are censebantur. *A. Gellius, l. 16. c. 10.*

(b) Proletarii, à munere officioque prolis edendæ appellati sunt. *Id. ibid.*

(c) Quoniam res pecuniaque familiaris obsidis vicem pignorisque esse apud Rempublicam videbantur; amorisque in patriam fides quadam in ea firmamentumque erat; neque Proletarii neque Capitecensi, Milites, nisi in tumultu maximo, scribebantur. *Id. ibid.*

(d) Armaque iis sumptu publico præbebantur. *Id. ibid.*

Proletarius publicitus scutisque feroque Ornatur ferro, Muros, Urbemque, Forumque, Excubiis curat. *Ennius.*

(e) Ipse (Marius) milites scribere non more majorum neque ex classibus, sed uti libido cujusque erat, Capitecensos plerosque; — Quod ab eo genere celebratus auctusque erat: & homini potentiam quærenti egentissimus quisque opportunissimus. *Salust. in Bello Jugurt.*

hand, of two free Governments 'tis possible indeed for the greatest to overcome the least; but then we find (to use the words of a most observing Man) that the Walls and Towers of such a Government become its Funeral Piles, and that it expires in its own Flames, leaving nothing to the Conqueror but its Ashes; witness *Saguntum* when master'd by *Carthage*, and *Numantia* by *Rome*. I need not longer insist upon this matter, and therefore shall remark in the last place, that whenever any free Empire degenerated into Tyranny, as that of *Rome* is known to have done, then Men of Property were not enjoin'd or encourag'd to serve themselves, but either permitted to find others that would go out in their room, or to pay down so much ready Mony; upon which occasion says one, speaking of the *Romans*, (a) *They sent those to defend them in the Field, whom they would scorn to admit into their domestick Service*. Indeed some of the Emperors perceiv'd this Error, and endeavour'd to correct it, but in vain, since at the same time they resolv'd to continue arbitrary. But however the following Order was publish'd by *Gratian*, *Valentinian*, and *Theodosius*. (b) *We decree, say they, that in our best Troops there be no Slave enroll'd, nor any Servants out of Houses of Entertainment, nor any from Places of infamous Resort, nor out of Eating-houses, the Houses of Correction, or other such infamous Fellows*. Yet we are so far from observing this Rule of listing Freemen only, that in the (c) Act now in force for regulating our Militia, no Man is oblig'd to serve in Person, but may send whom he pleases to appear for him, tho' ever so poor and weak, or ignorant of the use of Arms, and all other Arts.

7. Thus far have I discours'd of the Persons who are to constitute our Militia, and now I come to the Method of training them; after which I shall orderly proceed to their Number, Charge, Age, and other necessary Considerations. My Second Proposition therefore is, *That one Afternoon every Week there be a Parochial Exercise of all Males, as well Servants as Freemen, from 16 to 40 years of Age*. Whether this be done on Mondays, or Thursdays, or Saturdays, is indifferent; and I must not forget that the *Switzers* think no Day so proper for it as Sunday, from the following Reasons, viz. First, because no other Business is interrupted by the Exercise propos'd, all Labor being already prohibited on that Day; so that Servants and their Masters have equal Leisure, none are hinder'd from going to Fairs or Markets, nor any Meetings or Bargains interrupted. Secondly, There needs not a more frequent Repetition of the Parochial Exercise, no mercenary Soldiers in the World (whatever is boasted of their Discipline) being train'd near so many days in the Year, tho' no Duty be perform'd in foul Weather. And thirdly, because after the Publick Service of God is over, People are thus restrain'd from idle Santring or immoral Courses, and employ'd, as the *Switzers* think, in the next Work most becoming good Men, the publick Service of their Country. But I prescribe no time, all that I aim at being to have as many days in the Year appointed as will be sufficient, and also convenient. Every Saturday then, or Sunday in the Afternoon (for so I may suppose) all the Men of every Parish are to assemble on some Green or Plain, it may be where the *Buts* were of old, and instead of Tipling, Gaming, and other Diversions equally pernicious to their Minds and Bodies, they learn the use of Arms; wherein, as we see by Experience, they will be imitated by the very Children, who by that time their Age obliges them to appear in the same place, will be superior to their Fathers, and need so little Exhortation, that they cannot be prevented from acquiring this Art. To this publick Meeting will all the superannuated and experienc'd Men, all the marry'd and single Women resort, and create in those that are to exercise a noble Emulation of excelling one another in Agility or Skill, as every one is dispos'd to merit the Affection or Applause of the Spectators. This weekly Exercise will not only be to all People a grateful Pastime, and Relaxation from their ordinary Labour or Business, but also greatly influence their very Constitutions, by rendering them more robust, nimble, healthy, and accustom'd to all manner of Fatigue. When 'tis once settled, we can easily imagine how it may be perpetuated: But to effect the former, we have now a happy occasion put into our hands of rewarding no small number of those Persons who have been employ'd in our Ser-

The Method
of training
the Militia.

Saturday,
or Sunday
in the Af-
ternoon, for
the Time.

(a) Talesque sociantur armis, quales Domini habere fastidiunt. *Vegetius*, l. 1. c. 7.

(b) Inter optimas lectissimorum militum turmas, neminem e numero servorum dandum esse decernimus, neve ex Capona ductum, vel ex famosarum

ministris tabernarum, aut ex cocorum aut pistorum numero, vel etiam eo quem obsequii deformitas Militia secernit, nec tracta de Ergastulis nomina. *Cod. Theodos.* l. 7. tit. 13.

(c) 14 Car. 2. §. 25.

vice abroad these several Years past : For let all the Serjeants of the disbanded Army, and, if their Number be not sufficient, several of the Corporals or other expert Soldiers, be distributed one a-piece over all the Parishes of *England*, and enjoy half Pay, or what the Parliament shall judge more convenient for one Year ; during which time they shall be oblig'd to discipline the People on the Days and Place appointed. And for their further Encouragement, let it be provided also that they may have free Licence to follow what lawful Callings they please in that Country or Town during their Lives. Thus King *Charles* the First, when he was in the good Humour of issuing out a Proclamation (a) to instruct and exercise the Train'd Bands, as well Officers as Soldiers, by Men experienc'd in military Exercises, Order'd, that divers Low-Country Soldiers should be assign'd to the several Counties for this end.

The Militia
useless in
K. Ch. II.
time.

Servants
and the
Poor to be
train'd up,
and their
Use.

But how this good Design was put in execution every one knows ; nor are we more ignorant how the Militia was render'd useless under his Successor, when it was enacted that single Companies should be exercis'd but (b) four times a Year ; and this Exercise not to continue above two days at a time, whereby they were likely to prove glorious Soldiers. Now, it is plain that all the People of *England* may be parochially exercis'd in the Use of Arms one Afternoon in every Week throughout the Year (unless prevented by bad Weather) without any Expence but the Pay of one Man for the first Year only ; and without any trouble at all, but on the contrary, to the great Satisfaction and Recreation of the People. Here it may be objected, that this second Proposition of Exercising all without any distinction, seems to contradict the first, which ordains that only Men of Property be of the Militia. To this I answer, that there is a vast difference between training all to Arms, and having every body of the Army. I am still of the same Opinion, that none but Freemen be of the Militia ; and yet I am for training the Poor and Servants. First, there's no trouble in doing it, they being to appear with their Landlords or Masters, and tho they belong not to the Number of the Companies, yet they may well be exercis'd in them. Neither is there any danger in it, seeing their Arms are only deliver'd to them on those publick Days by the Overseers, in whose custody they are all the Week ; for I suppose a little Armory in every Parish. Besides, the Freemen are always arm'd themselves, and ready to suppress the others upon the least appearance of Disorder. Thus every Person in the Kingdom becomes a Soldier ; for tho a Servant changes his County, his Master, his Work, or Treatment, yet wherever he comes there he's train'd, and has no exemption from Exercise. The Design of this is threefold : First, because when the Poor and Servants become Freemen themselves (as, thanks to our Liberty, it happens every day) they may not be ignorant of Military Duties. Secondly, That if the Nation is not dispos'd to send part of their Militia upon any foreign Expedition, their Volunteers may not be raw undisciplin'd Fellows, but ready train'd to their hands ; nor any thing wanting but to appoint them Officers, and to distribute them into Regiments. Thirdly, Upon any sudden Invasion from abroad, or in case of some Domestick Insurrection, they may be added as Auxiliaries to the Militia (by which name I shall always design them hereafter) and be appointed either to serve in the Field, or to keep in Garrisons, as shall be judg'd most expedient in such Circumstances. The Romans made use of them upon all these Occasions, and call'd them (c) *Subitaneous Soldiers*, or a *Tumultuary Army*, from the sudden and tumultuary manner or cause of raising them. The Parochial Assemblies to treat of Civil or Military Affairs, are answerable to the *Comitia Curiata* of antient Rome ; and, by the way, seeing some Parishes may be very thinly inhabited, let every such be join'd to the nearest, and both be reputed as one.

That the
Forces of
the Hundred
meet four
times a
year.

8. Having thus laid the Foundation of all Discipline in the Parishes, my third Proposition is, That the Forces of every Hundred assemble at the Capital thereof four times a year, both for publick Exercise, and to dispute Games and Prizes. These Meetings answer in some sort the *Comitia Centuriata* of the Romans, wherefore I shall make bold to call them *Centuriate Assemblies* ; for our Hundred, Cantred or *Wapentake*, is term'd *Centuria* by the politest Historians that wrote of our Affairs in Latin. It is then easily understood, that in those *Centuriate Assemblies* the People meet not to learn the bare handling of their Weapons, that being already perform'd in the Parochial Exercises, but to shew their Experience, and the Progress

(a) Rushworth's *Collect.* Vol. 1. pag. 197.

(b) 14 Car. 2. cap. 3. §. 24.

(c) *Subitarii Milites, exercitus tumultuarius.*

they have made at home. Here also they are form'd into greater Bodies, and taught all that is peculiar to such, or different from their Duty in single Companies. As for the Games and Prizes, all wise Nations have instituted the like, sometimes for promoting of Trade, or only for breeding good Horses; but generally to educate their People in the love and practice of Arms, or other Exercises tending to fit and dispose 'em to a martial Genius, such as Racing, Fencing, Wrestling, throwing the Bar, or the like; of which you may find various Examples in the Governments of antient *Greece* and *Italy*. Let the Prizes in themselves be ever so inconsiderable, yet once that Honour and Reputation are annex'd to them, Men will as eagerly contend for 'em, as if they were the highest Lucre in the World. It has been observ'd in all Ages, that nothing is so effectual to make one undertake or quit any Enterprize, as the Commendation or Disgrace attending it; yet these have fail'd sometimes, but a prospect of Gain seldom or never. Now our Prizes are not without their Profit, as well as Use and Delight; for, besides the real Value of what is got, the Winner likewise stands fairest for Preferment, where Places are dispos'd according to Merit. As for the Charge of those Games, it may be made very easy, an annual Revenue being establish'd for that purpose. 'Tis so much the Interest of the Hundreds to concur in it, that rather than it should not be done, the Capital Town, where the Meeting is to be, will gladly raise the Sum in consideration of the brisk Trade it must occasion at those times: But all such Expences ought to be collected from the Inhabitants according to their real or personal Estates. And they'll contribute to no Tax, tho ever so necessary, so willingly as to this; because in the first place it is not bestow'd, as the best part of some other Revenues, on Men of no Merit: Secondly, because it is not carry'd out of the Country: And thirdly, because every Man has his lucky Hit for the Prize to fall to his own share. Now, 'tis all one wherein the Prize consists, whether it be a Silver Chain, a Medal, or any sort of Plate; for the Disputes in other Places were not less eager to obtain Garlands of Oak or Laurel. But the most proper, in my Opinion, are some good and beautiful Arms; for the Conqueror, and his Heir after him, will be as loth to part with them in Fight, as proud of wearing them in time of Peace. And this is indisputably more natural, and will prove far more effectual than the Policy of *Julius Cæsar*, who us'd to adorn the Arms of his Men with Gold, Silver and Gems, that they might the less tamely quit such precious things to the Enemy. There must be also a proportionable difference between the Prizes, the same neither in Kind nor Value belonging to the Horse and Foot, or to him that hits the Mark in shooting, and to another that wins at some other Game; for I would have them of all useful sorts, and a Field-piece likewise in every Hundred to breed expert Gunners, with Magazines of Poudre, Bullets, and all other requisite Ammunition in every County. Lastly, I would have it ordain'd that he who at these Games has got one Prize, should not be permitted to stand for any other at that time; and that the Names of all the Winners be carefully register'd, as well out of regard to the Reputation of particular Persons, as that the Publick may know where to find able Men in time of need. What a Change this Institution will beget in all the Kingdom; what Trade it will occasion in the Country; and what Emulation between the Inhabitants of every Hundred (to speak nothing of the principal Design) can scarcely be imagin'd by such as have never experienc'd any thing like it: and yet there's nothing new or notional in all this, the same having been successfully practis'd either wholly or partly in many other Places of the World. I shall add no more of the Hundreds, but that every City being a County of it self, and other populous Corporations, may hold their Centuriate Assemblies within their own Precincts, and not be oblig'd to any Exercise abroad, except the annual Encampment, whereof I am now going to treat.

9. Tho it be of the highest Importance to have all Persons in our Nation parochially exercis'd, and accustom'd in the Hundreds to muster in larger Bodies; yet they may be still ignorant of the Discipline of a compleat Army, to which all they have hitherto done is only subservient, as we first learn the Names of the Letters, and then to join them into Syllables, in order to read and understand a Book. My fourth Proposition is therefore, *That England be divided into three equal Districts, Proposal of call'd the Northern, Middle and Western Classes; and that the Standing Militia of the dividing whole consisting of sixty thousand Men, twenty thousand thereof do annually encamp for England in the space of three Weeks in some one of the Classes; and so to succeed by Triennial Rotation, which Rule is also to be observ'd in the Counties proportionably.* This military Division of the whole Kingdom may be as easily imagin'd or perform'd, as the Cir-

*Rotation
propos'd.*

*County Ro-
tation.*

*Usefulness
and Plea-
sure of these
Exercises.*

cuits appointed for distributing of Justice. Nor is there any Difficulty in apprehending the Triennial Rotation: Suppose, for example, that in the month of July 1698, the twenty thousand Men, which is the Portion of the Western Class, encamp somewhere in *Cornwal*, those of the middle Class in July 1699, at any Place in *Hartfordshire*, and those of the Northern Class in July 1700, in some part of *Yorkshire*: Then you return again in July 1701, to *Devonshire*, the Year after to *Surry*, the sixth Year to *Cumberland*, and so perpetually round. The Rotation in the Counties, or changing the Place of Encampment, is grounded upon the clearest Equity; for if the Camp proves a Trouble (as 'tis impossible it should) to the County where it is, then Justice requires that all should bear their share of it: And if on the contrary it be highly profitable by the vast Trade it must occasion in the Consumption of Provisions, or otherwise, and considering too that ready Money will be paid for every thing, then 'tis as reasonable that all should enjoy the Benefit in their turns. As for the Order to be observ'd, to take away all occasions of Dispute, there needs no more but to cast Lots at the beginning in every Class, to know what County shall be the first, second, third, and so on. But if an Objection should be rais'd by any against the Number of the Classes, from the Largeness of their Bounds, and consequently the great Distance in many Parts from the Place of Encampment; I answer, that 'tis not the precise Number, but the Distribution for which I contend: for the Kingdom may as well be divided into six Classes, each containing ten thousand of the Militia, and annual Camps in any two of them at a time. Thus still the Triennial Rotation remains the same, and we have every year twenty thousand Men (besides the *London-Militia*) encamp'd somewhere in the Kingdom, to the great Terror of all our Enemies, and to our own unspeakable Advantage and Reputation; we have an Army of sixty thousand Freemen to defend the whole Nation, and yet every part of it always provided with a sufficient Number, either absolutely to defend themselves, or to stop any Enemy till our whole Forces draw together. But then this wheeling Number of sixty thousand is very inconsiderable, in comparison of many thousand Freemen more, that are always ready to relieve, to repair, to succeed, or to join them upon occasion; to speak nothing of those exempted from Duty, nor of the poor and servile; all which Orders of Men are not only well disciplin'd, but oblig'd also to serve upon uncommon Emergences. But to return to our Camp, there our Militia learns the highest Perfection of Discipline, and is taught to make regular Sieges and Attacks in all Forms, to storm Castles, to fight Battels, to gain advantageous Posts, to make honorable Retreats, to intrench themselves, to forage, decamp, and, in one word, to perform all the other Duties of an Army. Now, besides the Necessity and Usefulness of all these Exercises, they will be extraordinary entertaining too. The whole Country round will come to divert themselves in this Place, and pass that Season the most agreeably of all the Year. It would be a superfluous Labor to spend more Words in commendation of this part of our Model; and so I come to make one Remark concerning the Expences, after taking notice that the yearly general Exercise, prescrib'd by the Act for regulating our Militia, yet in force, is to continue but only the space of (a) four Days. The Assessments laid by this same Act are so grievous as well as useless, that a long Experience, and the general Outcry against them, spare me the pains of shewing their Defects; nor will I for the same Reasons make any stop at the Abuse of calling People so often from their Business, for no other end but to fill the Muster-master's Pockets; neither will I insist upon the intolerable Grievance of Trophy-Money; all those things, as I said before, being so universally known, that every body can prescribe a proper Remedy. I propos'd three Weeks (and I still think it time enough) for the annual Encampment, viz. a Fortnight for actual Service, and the other eight days, upon the supposition of three Classes, for coming and going; and fewer will do, if the Classes be six in number. But suppose another Week be added, then 'tis plain that the Charge of a hundred and twenty thousand Men during one Month, is no more than the Pay of ten thousand for a Year; whence every body may infer how much cheaper we may entertain twenty thousand Freemen for a Fortnight or three Weeks, than ten thousand Mercenaries for a Twelvemonth, making all reasonable Allowance in the Difference of their Pay. The Expence in our Model then is both laid out to much better purpose, and made a great deal easier than any of this nature heretofore.

(a) 14CII. 2. cap. 3 §. 21.

Nay the very Rotation should recommend it self to all Mens Approbation, seeing it comes with respect to the Charge but every third Year to the turn of each County, and as to the Duty much seldomer to particular Persons; whereas the Rotation of the Jews was monthly, and took in the whole People in a Year: They had twenty four thousand Men under Arms every Month, and I don't propose twenty thousand for one Month in twelve. But the Jewish Militia kept Guards and Garrisons too; *Now the Children of Israel after their Names* (says the Author of the first Book of their Chronicles) *the chief Fathers, and the Captains of Thousands and Hundreds, and their Officers that serv'd the King in any Matter of the Courses, which came in and went out Month by Month throughout all the Months of the Year, of every Course were twenty and four thousand.* There needs no more to be said on this Head, only that the Cities of London and Westminster, with their Suburbs and Liberties, together with the Borough of Southwark, are not to be comprehended within any of the Classes, but to have their own Camp annually in some convenient Place adjacent.

10. So far of the Persons qualify'd to serve in the Militia, and the several degrees of training them: Now we shall speak of their Age; for altho this Particular is generally neglected in mercenary Armies, yet it has been ever carefully consider'd in all free Governments: because the Design of these being to render the People happy, they impartially assign Labor and Ease to those Periods of Life to which they are most futable. Then my fifth Proposition is, *That every Freeman, Their Age when his Turn comes, be oblig'd to personal Service in the Militia from the eighteenth to from 18 to the fiftieth Year of his Age; and that all above or under these Years be exempted from the 50 to serve Service, tho not from the Charge.* The Romans oblig'd their Citizens to Arms from the (a) seventeenth to the six and fortieth year of their Age, in which time every Man was to go upon the Service of the Commonwealth (in case of need) if he were of the Horse ten, or of the Foot (b) twenty times; and if he was hinder'd by Sickness or otherwise from compleating this Number, he might be compel'd to do it until he was fifty. But all under seventeen or above fifty were absolutely excus'd (c), unless upon those extraordinary Occasions whereof we spoke before; and then the Veterans and Emeriti (for so they call'd the superannuated Soldiers) Veterans might not only be forc'd to take up Arms, but they ordinarily came in of them- and Emeriti. selves when their Country was in danger, and by their Valour and Experience did often save it from Destruction. In like manner, when any General of great Reputation was to go upon some glorious Expedition, several (d) Veterans us'd to offer him their Service voluntarily, which was very acceptable, being most useful both by their Example to the rest, and their own personal Exploits. But I expect to be told, that Gentlemen will never consent their Sons should be train'd like common Soldiers. Now it may be easily perceiv'd, that this Contempt upon the most honorable Profession of Arms is purely accidental, and altogether occasion'd by the mercenary Soldiers abroad, who, excepting some Officers and a few Volunteers, Mercenary Sol- being most of 'em the Scum of Mankind, consisting of ignorant, brutish, mean, diers what punctually paid, they must necessarily have recourse to Stealing, Robbing, Plun- made up of. dring, Assassinating, and the like flagitious Practices: and what's still worse, the arbitrary Princes who maintain them, must even let them live upon their shifts, by countenancing or conniving at these Disorders; for there's no Remedy unless they be duly paid, which is never done except in Free Governments, such as ours and Holland. But in a well-regulated Militia Gentlemen make their Discipline to be properly an Exercise or Diversion in time of Peace; and in War they fight not only to preserve their own Liberty and Fortunes, but also to become the best Men in their Country. Nor are they any thing influenc'd by that Pay which the Government justly allows them: for as they who sit quietly at home should bear their Charges who serve them abroad, and not let those be Losers in their private Af-

(a) Servius (Rex Pop. Romani) ab anno septimo decimo, quod idoneos jam esse Reipublicæ arbitretur, Milites scripsisse dicitur à Tuberone Historico apud A. Gellium (l. 10. c. 28.) eosque ad annum quadragesimum sextum juniores, supraque eum annum seniores appellasse.

(b) Τὰς μὲν Ἰππεῖς δέκα, τὰς δὲ πεσὺς εἴκοσι δὴ στρατίας τελεῖν κατ' ἀνάγκην, ἐν τοῖς τετραράκοις καὶ ἑξήτεσιν ἀπογεγεῖς. Polyb. de Mili-

tia Romana.

(c) Lex à quinquagesimo anno Militem non cogit. Seneca de Brevitate vitæ, c. ult.

(d) Licinius quoque veteres scribebat Milites Centurionesque, & multi voluntate nomina dabant. Livius, l. 42. c. 32. Militares homines & stipendia justa, & corpora ætate & assiduis laboribus confecta habere; nihil recusare tamen, quo minus operam Reipublicæ dent. Id. ibid. c. 33.

fairs, whose Valor provides Security to theirs; so on the other hand, when it becomes their turn who are now employ'd to keep at home, they will as cheerfully contribute to maintain those who succeed 'em abroad, as they receiv'd their Pay before. There is no Weight at all then in the Objection, especially since no time is lost to Young or Old: And that there is none is very evident, for no body will say that either Gentlemen or Artizans lose any time in the Parochial Exercises; all People allow more time upon their Pleasures every Year, than is spent in the Centuriate Assemblies; and their turn in the Camp returns so seldom as to admit of nothing to be said against it. After all, if Gentlemen will be at the pains of fighting for their own (and who can doubt but they will?) 'tis surely worth their while to learn the Art of doing it; but of this by and by in a more proper place.

11. The Age of the Persons constituting our Militia being thus determin'd, we proceed next to their Commanders, who make the Subject of the Sixth Proposition, which is, *That all the Commission'd Officers of the Militia have real or personal Estates proportionable to their several Degrees; and that all Persons thus rightly qualify'd in every County succeed one another by Triennial Rotation, the Lords Lieutenants only excepted, who, being General Officers, are not to be chang'd while the King is pleas'd to continue 'em in their Posts.* The Reasons for qualifying the Officers by their Property, are the same with those I have offer'd under the first Proposition, for admitting Freemen only to serve in the Militia, which spares me the Labour of Repetition in this place. As for the Rotation of Officers propos'd, it is grounded upon uncontested Experience and Equity. All good Politicians have ever allow'd that to be the best and noblest Government where Men learn alternately to command and to obey; because at this rate they are not only fitted to serve their Country upon all Occasions, but likewise made competent Judges of the Merit or Miscarriage of others. This was the known Practice of the Romans, whose General Officers were, in the ordinary Course of their Government, annually elected, no body thinking it a Disgrace to serve under him this Year, whom he had commanded the last, nor to be afterwards an inferior Officer in that Army, whose Exploits were the Effects of his Conduct before. And truly this sort of Rotation seems to me a Duty requir'd by the Light of Nature: for keeping an equal Ballance between those of the same Qualifications, contributes above all things to keep 'em in Peace and Friendship. If the Offices shall be thought honorable, pleasant, or profitable, no body envies another, because they are all to enjoy 'em in their turns: And if on the other hand they should be found a Charge or Trouble, then doubtless every one ought to bear his share of the Burden; nor is it at all material, whether they be elected by Lot, or successively appointed by the King. The Peers, who are commonly the Lords Lieutenants of Counties, are by this Model restor'd to all the Privileges that were truly good and excellent in their first Institution, the immediate Command of all the Freemen in England under the King being their proper Charge: and the eternal Fame which some of their Ancestors have worthily acquir'd, is wholly owing to the glorious Actions they perform'd in this Quality on the behalf of their Country; and not in the least to that immoderate Power they might then exercise over the People, who, if they record any Nobleman upon this account, do it as an Example they execrate and abhor, and not out of Gratitude or Love, as in the former case. To the only Objection I apprehend against this Proposition, which is, that it seems to limit his Majesty's Authority; I answer, That no Man can trust him with a greater Power of doing Good (for he would neither accept nor use any other) than I am willing to do; seeing in the Opinion I entertain of his Justice, Valor, and Wisdom, I believe my self not inferior to any: which Declaration ought to be esteem'd the more sincere, inasmuch as I never had nor expect any particular Favor from him besides Liberty and Safety, the common Blessings of his Government. He knows already that all the Power he has is bounded by Laws; and we are convinc'd by Experience, that he refuses no Limitation to it when he judges it to be for the Advantage of the Nation. Thus have the Act for Triennial Parliaments, and that of regulating Trials in Cases of High Treason (to mention no more) pass'd by his Authority; whereas no Prince that design'd to injure his Subjects, would ever give his Assent to either of them. A Person of his Sagacity and Prudence will not easily be deluded by the mean Obsequiousness of any Ministers, who make their Court with gratifying what they take to be their Master's Inclinations; and, without any regard to his or the Nation's real Interest, lay out all their Efforts to gain him some invidious Point: for it is a settl'd Maxim with most of this Race, That all Kings whatsoever would be Absolute; presuming on which pernicious Doctrine they bring

Who are to
be Officers
of the Mi-
litia.

Rotation of
Officers
propos'd.

Objection
remov'd.

The King's
Authority
not lessen'd.

bring a certain Ruin on the Affairs of Princes, if not happily prevented by their own timely Fall, which commonly happens in Free Governments. But a good King, instead of lessening his own Power by Concessions of this nature, gains more Security, Respect, and Glory, than could be obtain'd by the most numerous Armies. I cannot upon this Occasion but relate the remarkable Story of *Theopompus* The Story of Theopompus K. of Sparta. King of *Sparta*, who, as *Valerius Maximus* (a) writes, when he first ordain'd that the Ephori, or Overseers, should be created at Lacedæmon, to be such a Restraint upon the Kings there, as the Tribunes were upon the Consuls at Rome, the Queen complain'd to him, that by this means he transmitted the Royal Authority greatly diminish'd to his Children: I leave it indeed less, answer'd he, but more lasting. And this, adds our Author, was excellently said; for that Power only is safe, which is limited from doing Hurt. *Theopompus* therefore, continues he, by confining the Kingly Power within the Bounds of the Laws, did recommend it by so much to the Peoples Affection as he remov'd it from being Arbitrary. But, lest I might seem to digress, I demand, What Power is taken out of the King's Hand by our Proposition? For in the present Militia the Colonels, Majors, Captains, and other Officers are to be appointed by the (b) Lord Lieutenant; and I would have 'em chosen by his Majesty himself, or whom he pleases to depute, but only qualify'd to serve their Prince and Country more effectually: Nor can the Nomination be any where more safely lodg'd than in the King for his Life, provided the Act restrains it to Election under his Successors, who will enjoy all reasonable Power, since they may appoint or continue the General Officers at their pleasure. And, besides the foregoing Considerations, nothing can render his present Majesty more easy than this part of the Model, seeing that by it he has an admirable Opportunity of gratifying all Sides, and disobliging none; for if he should put any *Tories* in Commission, the *Whigs* would presently cry, that he was committing himself solely into their Enemies Hands; and should the *Whigs* be the only Persons intrusted, the *Tories* would justly continue still disaffected: Whereas on the foot of the *Rotation* propos'd he may fairly employ those of both Parties duly qualify'd to serve their Country. And indeed I may venture to affirm, that this impartial Distribution of Honor and Profit is the only way possible to heal ours, or the Divisions of any other Government: for such as are not admitted to Confidence and Preferment, are most of 'em offended upon no other score; and they who are in possession of those Advantages will be always for retaining and engrossing them, either by the Exclusion or absolute Ruin of their Adversaries. But as in War the King has equally protected all his Subjects, so I hope in Peace he'll abolish their infamous Distinctions, and render *England* the Glory and Terror of the World.

12. The most excellent Institution imaginable cannot be of any considerable Duration, unless extraordinary Care be taken about the Education of Youth, which is shamefully neglected in this Age; for very few are at those Pains and Expence in forming the Manners of their own Children, as they freely bestow to breed up Setting-dogs and Race-horses, or on things altogether as frivolous and indifferent. Education of Youth recommended. The sad Effects of this Disorder are visible enough every where, and were ever carefully prevented in wise Governments. All Legislators had a particular regard in their Laws to the breeding of the Young, well knowing that such as they were, such the Government would prove to be. What's amiss in this respect among our selves, is more easily discover'd than reform'd. I shall therefore at this time content my self with offering a Remedy in what immediately concerns my Subject, and so the Seventh Proposition of this Scheme shall be, *That all now under the Age of Eighteen Years, or that shall be born hereafter, be incapable of holding any Post of Honor or Profit under the Government (excepting in the Professions of Divinity, Law, and Physick) unless they first qualify themselves by serving two Campaigns by Land or Sea.* Divines, Lawyers, and Physicians, excepted from serving. By this Proposition none already arriv'd to the compleat Age of Manhood are excluded from bearing Offices; and they who are now full Eighteen, are only kept back till they are Twenty, before which time they could scarcely expect Employment even

(a) Cum primus instituisset (*Theopompus* Spartanorum Rex) ut Ephori Lacedæmone crearentur, ita futuri Regiæ potestati oppositi quemadmodum Romæ Consulari Imperio Tribuni plebis sunt obiecti; atque illi uxor dixisset, id egisse illum ut filiis minorem potestatem relinqueret; Relinquam, inquit, sed diuturniorem. Optimè quidem; ea

enim demum rura est potentia, quæ viribus suis modum imponit. *Theopompus* igitur, legitimis regnum vinculis confringendo, quo longius à Licentia retraxit hoc propius ad benevolentiam Civium admovit. L. 4. c. 1. de externis, §. 8.

(b) 14 Car. 2. cap. 3. §. 2.

Serving
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Advantage
of serving.

The Educa-
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Youth re-
commend-
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Practice of
the Ro-
mans.

as Matters now stand. I cannot therefore foresee that any Opposition will be made to this part of the Model, seeing it neither affects them who are actually engag'd in Business, nor such as stand Candidates for Preferment: For the blame of being unqualify'd, as propos'd, ought to be attributed to a Defect in our Constitution, and not to any want of Merit in particular Persons. The Youth themselves (if we can imagine 'em so basely dispos'd) are not in a Condition to obstruct it; and if it happens to pass, it becomes as familiar to those who shall be born hereafter as the other parts of our Government. There remain then no Adversaries in all probability, unless some People should envy the happy Effects of it to their Country, which we may better judg impossible, than *Solon* that no Parricide could be perpetrated in his Republick, which is the reason that he ordain'd no Punishment for this horrid Crime. The most unthinking among us must perceive that no other Method can be so effectual to render our Country famous, and our Government lasting. When the young Men (of all others the most ambitious of Glory and Honor) are once convinc'd that this is the only Road to Preferment, they will timely qualify themselves, and so all Posts will be supply'd with Persons of known Experience. Whoever has read the preceding part of this Piece, cannot mistake my Sense about the Land-Campaigns; but as to the Sea, he that is two Summers aboard any Man of War in our ordinary Guards, or that goes twice in any Vessel into the *Baltick*, *Mediterranean*, or the *West-Indies*, and once to any part of the *East-Indies*, shall be deem'd rightly qualify'd. It signifies not whether it be in War or Peace; for the principal Design is to acquaint 'em with the Nature of this Service so important to our Island, and to give 'em an opportunity of seeing Foreign Countries in order to put a true Value upon their own. When one that has thus past a part of his time, is afterwards a Member of the House of Lords or Commons, of the Admiralty or Navy, he must needs speak more pertinently, and be less easily deceiv'd in the usual Disputes, whether any Miscarriage is occasion'd by Treachery or Accident; he can discern the Guilt or Merit of the Seamen; he can judg of Victualling, Manning, or otherwise fitting out our Ships; and determin the proper Seasons for every Action, far better than another that never was at Sea unless in a Ferry-boat to *Calais* or the *Bril*. We know likewise by the great Care the King has taken to supply his Ships with able Masters, and by what we may observe in the Accomplishments of several Persons who sail'd in them, that there is not a properer place of learning most part of the Mathematicks, there being no doubt to be made about the particular Art of Navigation. And to speak no more of the Marine (for to hint these things is enough) when Gentlemen are so long debar'd all their ordinary Land-Exercises, they have an excellent opportunity of studying Geography or Astronomy, and mastering the best part of Antient and Modern History: for they must read something in their own defence against Idleness, the most painful Condition in the World; and they may keep Books as conveniently in their Cabins, as in their Studies at home. After a considerable number are thus initiated at Sea, while others by Land make the ordinary Tour of *Holland*, *Germany*, *Italy*, and *France*; and that several, perhaps, have travel'd both by Land and Sea, no Government in the World can be so well supply'd with Learn'd, Polite, and Able Men to fill all sorts of Stations. The *Romans* did after this manner educate their Children from their very Cradles in the Theory and Practice of those things wherein they were afterwards to make a glorious Figure in the Service of their Country. They, to whom the particular Inspection of the Youth was committed, were not Persons retir'd, and strangers to Business; but Men of nice Breeding, and that understood Mankind as well as the Liberal Arts and Sciences. They inform'd their Pupils (to whom they were rather Companions than Masters) in the Duties of grown Age, before they arriv'd to it; and, having no Interest to keep 'em more ignorant than themselves, they did not wast their time by teaching 'em any barbarous Jargon, trifling Notions, or useless Speculations, which they must unlearn again if they would be understood, or not be counted ridiculous when they come abroad into the World. The Young Men, says (c) *Pliny*, were early accusom'd to Arms in the Field, that they might learn by obeying to command, and to act the part of a General while they follow'd one. Aspiring likewise to Civil Dignities, they stood by the Door of the Senate House, and were Spectators of the Publick Assembly before

(c) Adolescentuli statim Castrensibus stipendiis imbuebantur, ut imperare parendo, duces agere dum sequuntur, assuescerent: Inde Honores peti-

turi assistebant curiæ foribus, & concilii publici spectatores, antequam consores erant. *Epist.* 14. l. 8.

they were Members of it. The Young Gentlemen also us'd to chuse to themselves Patrons of the most eminent Persons in the City, whose great Actions they diligently observ'd, and propos'd not so much to imitate, as to exceed them. Every Morning they went to their Levée, and thence accompany'd them to the Forum and other Publick Places, where they patiently bore Hunger, Thirst, and all manner of Fatigue, that they might attain to the highest pitch of Eloquence, and be thorowly vers'd in Civil Affairs. When the Business of the Day was over, they dutifully waited home upon their Patrons, and these again on their part took abundance of care to improve the Youth. They were as cautious to give them any ill Examples in Words or Actions, as to their own Children. They entertain'd them with the greatest familiarity, and the general Subject of their Discourse was about framing good Laws, and the several kinds of Government; in their own, they taught 'em wherein consisted the (d) *Magistrates Power*, and the *Liberty of the People*; they explain'd the Art of War, and read Divine Lectures concerning the Excellency of Virtue; never forgetting to inculcate upon every occasion the Love of their Country as the Foundation of all their future Actions at Home or Abroad: Nor did the Conversation want facetious and pleasant Intervals to make it easier to both sides. This was the true Source, not only of that unparallel'd Friendship, Valour, Prudence, Justice, Eloquence, and Generosity, wherein that bravest People of the Universe excel'd; but even the preeminence of their Historians above all the Modern proceeds from hence: For the Young Gentlemen being so intimately acquainted with the Actions of their Patrons, and writing down their remarkable Sayings, or copying their most finish'd Compositions, they afterwards frequently mention'd or quoted them; so that all the best and virtuous Examples became commonly known. But of this Subject I shall speak more copiously in my *Brutus*, or *The History of Liberty and Tyranny*, which I am now digesting, with a Design, whenever finish'd, to publish it in (e) *Latin and English*. In this Work I endeavor to copy the People whereof I treat, and will confirm my Subject with the most beautiful Passages of the Antients, as well as illustrate it by Modern Examples, both of the Dead and the Living. As to the latter I shall make little mention of the worse sort, thinking to dishonor 'em more by silencing their Names, should my History last to Posterity, than by relating their infamous Actions; and if my Book miscarries, they are but in obscurity still. That the number of extraordinary Men is very small in our Age, we need not desire a clearer Demonstration, than to find so few Histories tolerably pen'd; for 'tis want of Matter, and consequently of Encouragement, but not of Ability, which makes our Writers so much inferior to those of past Times, when *Cicero* himself courts to be immortaliz'd by the (f) Pen of *Luceius*. *Pliny*, who liv'd in the Decay of the *Roman* Empire and Manners, tells us what Honors were formerly confer'd on those who wrote the Histories of Governments or Great Persons: (g) *But in our Time*, says he, *this Custom, as several good and excellent things, is quite abolish'd; for since we left off to do commendable Actions, we think it impertinent to be commended*. This Digression (if any thing that makes for my Purpose may be so call'd) is intended to excite our Youth to pursue Fame by noble and useful Performances. *Tully*, whose Eloquence and Quality of a Roman Senator made him an Advocate for Kings, disdains not to acknowledg that he wrote the best part of his incomparable Works to reform (b) and instruct the Youth: which in that declining State of the Commonwealth, was strangely corrupted. The two Years of Action which I add to their Sedentary Studies, will not, I hope, seem tedious, if in their reading they observe that the *Romans* were to serve ten times to become capable of certain Posts, seven times

Tully's Design in most of his Writings, was to reform the Youth.

(d) Quæ Vis magistratibus, quæ cæteris Libertas. *Id. ibid.*

(e) *BRUTUS*, sive Libertatis & Tyrannidis Historia.

(f) Ardeo cupiditate incredibili, neque, ut ego arbitror, reprehendenda, nomen ut nostrum scriptis illustretur, & celebretur tuis. — Neque enim me solum commemoratio posteritatis ad spem quandam Immortalitatis rapit: sed etiam illa cupiditas, ut vel auctoritate testimonii tui, vel indicio Benevolentiae, vel suavitate Ingenii, vivi perfruamur. *Epist. Famil. l. 5. Ep. 12.*

(g) Fuit moris antiqui, eos qui vel singulorum Laudes vel urbium scripserant, aut Honoribus aut Pecunia ornare: nostris vero temporibus, ut alia speciosa & egregia, ita hoc in primis exolevit. Nam postquam desiimus facere Laudanda, laudari quoque ineptum putamus. *L. 3. Ep. 21.*

(b) Quod enim munus Reipublicæ afferre majus meliusne possumus, quam si docemus atque erudimus Juventutem? his præsertim moribus atque temporibus, quibus ita prolapsa est, ut omnium opibus refrenanda ac coercenda sit, &c. *De Divinatione l. 2. c. 2.*

for others, and four e'er they could fill any Place almost in the Government.

In what
manner the
Armies a-
broad are
to be rais'd.

The Ro-
man Mi-
litary Dis-
cipline.

13. Hitherto the whole Discourse related to our own Defence against Invasions; but sometimes we are oblig'd to transport Armies beyond the Seas, either to assert our own Rights against insolent and treacherous Enemies, or else to assist our Friends and Allies. That such Occasions may frequently happen, none will go about to deny; yet Multitudes (I'm afraid) will dislike the Methods I would have observ'd in the management of our Foreign Wars. But my Assertions are not the less solid because some People are Cowards, and others now unaccustom'd to what their Ancestors successfully practis'd heretofore: Nor ought the rest of the Scheme, should any reject this part of it, be counted the more weak or inconsistent. So my Eighth Proposition is, *That the main Body of our Armies abroad be wholly compos'd of the Free Militia, the one half to be annually reliev'd by successive Levies in the Classes; and be always corroborated with a sufficient number of Auxiliaries.* We prov'd before under the First Proposition, that Freemen will fight better than Servants, that all Wars carried on by the former are quickly finish'd, that wherever the Sword is in their Hands that Government is free, and that they are consequently disus'd or discourag'd from bearing Arms by such as design to set up a Tyrannical Power. Now, all these Reasons should prevail with us to send our Militia of Citizens abroad instead of Mercenaries. The Romans in point of War are the best Example, with respect to Success or Safety, that any Nation can imitate; and while they strictly adher'd to this Rule, they were both invincible themselves, and no People on Earth could resist the Force of their Arms. But when their antient Orders were neglected or abolish'd, then they became an easy Prey to all that invaded them. Thus the Eastern Nations, tho infinitely superior in Numbers and Territories, yet by reason of their luxurious living, and that they plac'd their chief Strength in mighty Bodies of Mercenaries, they were quickly subdu'd by the Militia of Italy; nor would the Inhabitants of that Country perform less at this present time, were they under the same Discipline. The Gauls, Germans and Britons were more valiant, it's true, than the Asiatic Nations, and better order'd (for they were a kind of Militia) but they were also finally subdu'd and broken by the Roman Legions. On the other hand, when the Sword was taken from the Citizens or Freemen, and put into the Hands of Servants by the Arbitrary Emperors who durst not trust Men of Property, the Oriental Countries not only shook off the Roman Empire, but likewise the Lombards and Goths invaded Italy it self; and tho not exceeding the old Gauls and Germans in Courage or Conduct, yet they absolutely conquer'd the Conquerors of the World. In short, the Romans lost their Liberty and Property, and with them all that ardent Love to their Country, which made them so freely bleed in its defence before. And indeed no Man of Sense ever meant any other thing by that Inclination for one's Country, so much celebrated in the Works of Orators and Poets, but only the good Government of it. *Dimicare pro Aris & Focis* was a synonymous Expression in the Mouth of a Roman, for *pugnare pro Patria*. Hence it is that Brutus reproaching Cicero for the servile Court he made to Octavius, speaks to him in these Terms; (i) *Do you believe then, says he, that we receive Security when our Lives are spar'd? Or how can we accept of the latter, if first we must part with our Liberty and Dignity? Do you think that to be safe, it is enough to live at Rome? The Thing and not the Place can only put me in that condition.* And afterwards he adds, (k) *Either I shall reduce those to their Duty who oppress their Country, or remove to a great distance from you that are willing to be Slaves; and, wherever I may be free, there tbink my self in Rome.* We likewise are taught to love our Country above all others, valuing our selves every moment upon being *English-men*; and that most deservedly, for we cannot speak too magnificently of our Felicity. But we never mean our Soil or Climate, seeing these are much excel'd by several others in the World; therefore it must be our Government that makes the Scale heavier on our side. A partial Affection to the Land where we first drew our Breath, abstracted

(i) Videmur ergo tibi Salutem accepturi, cum vitam acceperimus? Quam, si prius dimittimus Dignitatem & Libertatem, qui possumus accipere? An tu Romæ habitare, id putas incolumem esse? Res non Locus oportet præstet istuc

mihi? Lib. ad Brut. Ep. 16.

(k) — Aut longe à servientibus abero, mihi-que esse judicabo Romam, ubicunque liberum esse licebit. Id. ibid.

from other Considerations, is but a childish Prejudice, not less ridiculous than that of some elder Persons, who think it an extraordinary Blessing to be laid in the same Graves with their Relations. The Romans then were always possess'd with a hearty Kindness for their Country; and being earnestly desirous of returning to it in Peace, as well as certain of receiving the Rewards and Applause due to their Merit, they perform'd Wonders abroad. The Reason why no other People did as much, is, because the Government of no other Place was so well constituted. Here was no difference between the Citizen and the Statesman, between the Husbandman and the Soldier; whence the Minds of the Inhabitants were enlarg'd to that degree, that they became capable of designing and effecting every thing. Their Knowledge and Politeness made them sensible of the Excellency of their Constitution, which still encreas'd their Fondness of it, and render'd 'em so valiant to preserve it. Their City and Territory were divided into several Tribes, not unlike our Counties, and their Assemblies call'd *Comitia Tributa*. Their People again were distributed into six *Classes*, besides the lesser Divisions of *Centuries*, and *Curia* or *Parishes*. Now, their Militia going always abroad by *Rotation* out of the Tribes and Colonies, together not seldom with their Allies, whenever they were beaten (as in the dubious Events of War it must happen sometimes) they were immediately repair'd; and so one Army constantly sent after another, which could not fail where the People were all disciplin'd, till no Force whatsoever was able to stand before them. But when a Mercenary Army is once routed and dispers'd, then all is irrecoverably lost, because that either you cannot presently take the Field again, or you only oppose the Enemy with undisciplin'd Multitudes. Now we may easily conceive why a Militia of Freemen are for venturing a Battel whenever they are favor'd with an Opportunity of doing it, whereas Mercenaries are observ'd to decline fighting as much as they can; for, to speak nothing of what we said before concerning their different Dispositions, the first are sure of making good their Losses by a *Rotation* of their Fellows, and the latter wait for Advantages, because the Loss of one Battel is often enough to ruin them. From all that is premis'd, I think I may conclude, that to make successive Levies of our own free Militia out of the several Parts of England, and corroborated with some Auxiliary Regiments, is the best Method of waging the Wars abroad, whether we design to bring 'em to a speedy Period, or to spread wider the Terror of our Fame and Arms. The Names of all Persons capable of Military Duties in every County must be carefully register'd to facilitate the *Rotation*, as was done in the Roman Tribes, where every Man was sworn (both in regard of the Charge and Service) to conceal neither the Name, Age, Condition, or Quality of any in his Family, that every one, who was able, might by his Purse or Person contribute to the Publick Good. The Regiments may likewise be denominated from the Countries or Places that send them, which will create an Emulation in the several Parts of the Kingdom to outdo each others Actions. They will be as eager sometimes for regaining the Honour which one lost, as fearful to lose what the other won. Thus Men of Arts and Arms will be the very same Species among us, whereas now they are extremely different in most parts of the World; for the former are generally Cowards, and the latter barbarous and rude. From all these Considerations, I cannot be persuaded that any Man of Property will refuse to go in his turn (which can seldom happen) on foreign Service. If he hires a mean Person to supply his Place, this is raising a mercenary Army, whereby he makes his Man become his Master. And how little soever Freemen think of the matter, whilst such Creatures are out of the Kingdom, yet they'll find 'em wonderful troublesome on their Return, should there be no other difficulty but that single one of disbanding 'em. 'Tis strange what a Confusion very small Numbers of 'em produce in a Country, as has been abundantly demonstrated by the ingenious Author of the unanswerable *Argument against a Standing Army*. The few Soldiers that return'd in King Charles the First's time from an unsuccessful Voyage to *Cadiz*, were not presently disbanded as they ought to have been, but quarter'd up and down in several Parts of the Kingdom: And a great Person who was an Eyewitness tells us, 'That these * Soldiers broke out into great Disorders; they master'd the People, disturb'd the Peace of Families, and the civil Government of the Land; there were frequent Robberies, Burglaries, Rapes, Rapines, Murders, and barbarous Cruelties; unto some Places they were sent as

The Romans great Lovers of their Country.

The Roman Polity.

A Register to be kept of all serviceable Men in the Counties.

The Disorders of the Soldiers in King Ch. I. time.

* Rushworth's Collect. Vol. I. p. 420.

' a Punishment; and wherever they came, there was a General Outcry. The High-
 ' ways were dangerous, and the Markets unfrequented; they were a Terror to all,
 ' and undoing to many. I said before, that every *Roman Freeman* was oblig'd to
 bear Arms (if need were) twenty times from the seventeenth to the six and fortieth
 Year of his Age; that they were excus'd from Duty after fifty; and that in case of
 extraordinary necessity the old Soldiers might be compel'd if they did not give in
 their Names when desir'd, but that they did for the most part voluntarily offer their
 Service to their Country. This whole Matter, with several other admirable Effects
 of their Discipline, is represented to the Life in the Speech of a Farmer to *Licinius*
 a *Roman General*. When the War was declar'd against *Perseus* King of *Macedonia*,
 several Veterans were list'd and came in freely; but some of 'em were displeas'd,
 that they should be plac'd in any lower Order than they had formerly possess'd.
 This occasioning a Difference between the Consuls and the Tribunes of the People,
 out steps the Countryman, and bespeaks the Assembly in the following manner:

Sp. Ligust. ' † I am *Spurius Ligustinus*, O *Romans*, of the *Crustumina* Tribe, and originally a
 a Roman, ' *Sabin*. My Father left me a little spot of Land, with a small House, in which I
 his Speech. ' was born and bred, and I dwell there at this time. As soon as I was of Age, he
 ' gave me in Marriage his own Brother's Daughter, who, excepting her Chastity,
 ' and that she was freeborn, brought me no other Dowry; yet fruitful enough to
 ' supply a richer Family. We have six Sons and two Daughters, the latter both
 ' married. Of our Sons four are grown Men, and the other two yet Striplings.
 ' I first bore Arms in the Consulship of *Publius Sulpitius*, and *Caius Aurelius*. I was
 ' two Years a private Soldier in that Army which was transported into *Macedonia*
 ' against King *Philip*: The third Year *Flaminius*, in regard of my Merit, assign'd
 ' me the tenth Division of the Spearmen. *Philip* and the *Macedonians* being con-
 ' quer'd, when we were brought back into *Italy* and disbanded, I went immediately
 ' a Volunteer under *Marcus Portius* the Consul into *Spain*. That of all Generals living,
 ' he was the most nice Considerer and Judg of Merit, is known to every one who has
 ' been any considerable time in the Field under him or other Commanders: Now,
 ' he thought me worthy to preside over the first Order of the first Century of the
 ' Spearmen. I went the third time a Volunteer in that Army which was sent against
 ' the *Etolians* and King *Antiochus*, when *Manlius Acilius* created me first Commander
 ' of the first Century. But *Antiochus* being expel'd, and the *Etolians* reduc'd, we
 ' return'd into *Italy*, and there I serv'd two of those Campaigns to which the Legi-
 ' ons are annually oblig'd. Afterwards I was twice a Soldier in *Spain*; once under
 ' the Pretor *Quintus Fulvius Flaccus*, and again under *Tiberius Sempronius Gracchus*.
 ' I was brought home by *Flaccus* among the rest of those whom he had chosen for
 ' their Courage to grace his Triumph; and return'd back into that Province at the

† *Spurius Ligustinus* tribus *Crustumina* ex *Sabi-*
nis sum oriundus, *Quirites*. Pater mihi iugerum
 agri reliquit, & parvum tugurium in quo natus edu-
 catusque sum; hodieque ibi habito. Quum pri-
 mum in aetatem veni, pater mihi uxorem fratris sui
 filiam dedit: quæ secum nihil attulit præter liber-
 tatem pudicitiamque, & cum his fecunditatem,
 quanta vel in diviti domo satis esset. Sex filii nobis,
 duæ filiae sunt; utraque jam nuptæ. Filii quatu-
 or togas viriles habent, duo prætextati sunt. Miles
 sum factus, *P. Sulpitio*, *C. Aurelio* Consulibus. In
 eo exercitu qui in *Macedoniam* est transportatus,
 biennium miles gregarius fui adversus *Philippum*
 regem: tertio anno virtutis causa mihi *T. Quintius*
Flaminius decimum ordinem hastatum assignavit.
 Devicto *Philippo* *Macedonibusque*, quum in *Italiam*
 portati ac dimissi essemus, continuo Miles volunta-
 rius cum *M. Porcio* Consule in *Hispaniam* sum pro-
 fectus. Neminem omnium Imperatorum, qui vi-
 vant, acriorem virtutis spectatorem ac judicem fuisse
 sciunt, qui & illum & alios duces longa militia ex-
 perti sunt. Hic me Imperator dignum judicavit cui
 primum hastatum prioris centuriæ assignaret. Tertio
 iterum voluntarius miles factus sum in eum exerci-
 tum, qui adversus *Ætolos* & *Antiochum* regem est
 missus. A *Man. Acilio* mihi primus princeps prio-
 ris centuriæ est assignatus. Expulso rege *Antiocho*,
 subactis *Ætolis*, reportati sumus in *Italiam*: & de-

inceps his, quæ annua merebantur legiones, stipendia
 feci. Eis deinde in *Hispania* militavi, semel *Q.*
Fulvio Flacco, iterum *Ti. Sempronio Graccho* Pra-
 tore. A *Flacco* inter cæteros, quos virtutis causa
 secum ex provincia ad triumphum deducebat, de-
 ductus sum. A *Ti. Graccho* rogatus, in provinci-
 am ii. Quater intra paucos annos primum pilum
 duxi: quater & tricies virtutis causa donatus ab Im-
 peratoribus sum: sex civicas coronas accepi: vi-
 ginti duo stipendia annua in exercitu emerita habeo:
 & major annis sum quinquaginta. Quod si mihi
 nec stipendia omnia emerita essent, nec dum atas
 vacationem daret, tamen quum quatuor milites pro
 me uno vobis dare, *P. Licini*, possem, æquum erat
 me dimitti. Sed hæc pro causa mea dicta accipia-
 tis velim: ipse me, quoad quisquam qui exercitus
 scribit, idoneum militem judicabit, nunquam sum
 excusaturus. Ordinem quo me dignum judicent
 Tribuni militum, ipsorum est potestatis: ne quis me
 virtute in exercitu præstet, dabo operam; ut sem-
 per ita fecisse me, & Imperatores mei, & qui una
 stipendia fecerunt, testes sunt. Vos quoque æquum
 est, Commilitones, etsi appellationis vobis usurpa-
 tis jus, quum Adolescentes nihil adversus Magistrat-
 um Senatusque, auctoritatem usquam feceritis, nunc
 quoque in potestate Senatus ac Consulum esse, &
 omnia honesta loca ducere quibus Rempublicam de-
 fensuri sitis. *Livium* l. 42 c. 34.

Request of *Tiberius Gracchus*. I was Captain of the first Company of the Regiment four times within the space of a few Years: I was by my Generals rewarded four and thirty times for my Valour: I receiv'd six Civic Crowns for saving the Lives of so many Citizens: I have taken Pay, in a word, two and twenty times in the Army, and am now above fifty Years old. But if I had not compleated the Number appointed by Law, nor were to be excus'd from Duty by reason of my Age; yet since in my own room I could give you, *Licinius*, four Soldiers, it were just I should be discharg'd. But I would have all this understood only of the goodness of my Cause, were I dispos'd to plead it; for as long as any General judges me an able Soldier, I shall never excuse my self. What Post the Tribunes will assign me, lies in their own Breasts. And, that none in the Army exceed me in Courage, shall be my endeavour: for, that it has been always so, my superiour Officers, and such as serv'd along with me, are Witnesses. Now altho, Fellow-Soldiers, you claim to your selves the Right of Appeal; yet since during the whole Course of your Youth you never did any thing against the Authority of the Senate or Magistrates, 'tis fit that you now also pay Obedience to the Senate and Consuls, esteeming all those Posts to be honourable, wherein you have an Opportunity of defending your Country. Having thus harangu'd, the Consul, after commending him with many Words, led him out of the Assembly into the Senate, where he receiv'd the Thanks of the House; and he was by the Military Tribunes prefer'd according to his Desert: whereupon the other Centurions quitted their Appeal, and readily complied with the Pleasure of their Superiors.

14. All Men would live somewhere eternally if they could, and they affect to become immortal even here on Earth. To have their Names perpetuated, was the true Spring of several great Mens Actions; and for that only end, have they patiently undergon all manner of Toil and Danger. But this Inclination never discovers it self so plainly, as in the care Men take of their Posterity. Some are content to live Beggars all their Days, that their Children after them may be rich: for they look upon these as their own Persons multiply'd by Propagation; whence such as had none themselves, adopted the Children of others to bear their Names. The Legislator of the *Israelites*, as well as he of *Sparta*, had a peculiar Regard to this natural Desire, which in no Country must be neglected for Reasons upon which I need not insist at this time: Wherefore the ninth Proposition is, *That no Man be oblig'd to go upon any foreign Expedition during one Year after his Marriage; nor all the Sons of any Man at once; nor an only Son ever, unless he's willing himself.* The Design of this Proposition is made so plain already, that, without more to do, I may pass to the tenth and last of our Scheme, which is, *That all Levies permitted to foreign States in this Kingdom, or any Forces lent to them, do intirely consist of Auxiliaries; and that no Freeman have leave to serve abroad unless as a Volunteer to qualify himself for Employment at home.* The Reasonableness of this Proposition is likewise so evident from what went before, that it wants no larger Commentary. I could add here several other Particulars, but they'l come to be establish'd of course, if this Scheme prevails wholly, or for the best part. I shall therefore write nothing now concerning the Methods of listing or disbanding, of paying or clothing, nor of Rewards or Punishments; tho with respect to the last, I cannot omit one pleasant Passage: for the *Romans*, among divers kinds of Penalties, such as Fine or Imprisonment, us'd upon certain Occasions to * let a Soldier Blood, as if it had been Madness or Folly in him to commit such Faults, and that he wanted Physick more than Correction.

15. If this Scheme of reforming the Militia be so intelligible and coherent, as I flatter my self it may, it would be a superfluous Labor, and no Compliment upon the Reader's Sagacity, to remark distinctly all the good Effects and Consequences of it. Yet one I find convenient to mention, not that I think it less obvious than the rest, for it appears most evident at first sight; but because some Gentlemen are pleas'd to oppose it, and it is that I am for Arming All the People. Now this is, in my Opinion, so useful and necessary, that, should we obtain nothing besides, it were well worth our while to procure an Act for this alone: For what can better demonstrate the Confidence his Majesty places in the unquestionable Affection of his

* Fuit hæc quoque antiquitus militaris animadversio, jubere ignominie causa militi venam solvi & sanguinem dimitti; — ut non tam poena quam medicina videretur. *A. Gellius, l. 10. c. 8.*

No Robbers
or House-
breakers
encourag'd
by these
Proposals.

Subjects, or more increase and confirm the Veneration these have for him, than that he puts 'em in a Condition of defending themselves against all his and their Enemies, without needing or expecting the Assistance of others? But notwithstanding I took all possible care to be duly inform'd, I could never hear any weighty Objection made to this Proposition, tho' two are commonly offer'd, and the first of 'em is, That there will be no end of Robberies and Housebreakings in the Country, if the common People be once arm'd. I perceive these Gentlemen design to be popular, and the Vulgar are hugely oblig'd to 'em for their good Opinion. But supposing the worst, Robberies will be so far from being more frequent than at this time, that this is the only right Method of totally suppressing all such Disorders. It is an ordinary thing for two or three Fellows to commit a Robbery in sight of twenty People stronger and stouter than themselves, but that are either without Arms, or know not how to use 'em: whereas, upon the foot of our Model, when any House or Persons are known to be attack'd, they are not only provided for their own Defence, but the Neighbors are all ready to come in to their Assistance, both with Arms in their Hands, and as able to handle 'em as House-breakers can be suppos'd to do. But if the objecting Gentlemen have any meaning, it is that Rogues only should have Arms, and honest Men none to oppose them. For when any are dispos'd to violate the Laws, they always take care to arm themselves without any deference to publick Authority; nor do we find that Thieves ever want Weapons, notwithstanding any Prohibitions to the contrary, which they no more regard than they do those which forbid 'em to steal. But good Men, on the contrary, will yield Obedience to the Laws, and so be expos'd, if thus left naked and unarm'd, to the Insults and Assaults of the most determin'd Villains. The next Objection is, That if the People be arm'd, there's an end of all the Game in the Kingdom. Now supposing this were true, I think of the two we should sooner expose a few Birds to the People, than the People to the French or other Enemies. But indeed the Game is in no danger. Deer, for example, might be destroy'd with Bows and Arrows, no less than with Guns; yet in old times English-men were not disarm'd, but restrain'd from shooting Deer only by Laws, which may be accommodated to Guns as well as to Bows. Hare, Partridge and Pheasant are the principal Game for Gentlemen's Diversion; and every one knows that these are more conveniently and frequently destroy'd by Nets, Hounds, Setting-dogs, and other Methods, than by shooting. Severe Penalties, which those concern'd will be sure to see inflicted, will prevent any thing of this nature; and I hope we'll never see the Nation disarm'd a second time, under pretence of preserving the Game. But, perhaps, it will be said, that altho' Freemen may be trusted with Arms, there will be danger from the poor and servile. This Objection was sufficiently answer'd in the Discourse subjoin'd to the second Proposition; and besides I may add, if that will satisfy, that Servants are not arm'd according to this Scheme, but only disciplin'd against a time of Necessity. I suppos'd before an Armory in every Parish, out of which on the Days of Exercise only the Poor and Servants are furnish'd. And here I would not forget to hint that all such Arms provided at the Parochial Charge should be try'd and approv'd at the Tower of London, without any Liberty left to the Overseers to purchase others for this end, and that they be likewise all distinguish'd by the Parish Mark. I had several Opportunities in this Discourse to shew the Defects of the Act now in force for regulating the Militia, and my last Remark upon it shall be, that the Isles of Wight and Purbeck are left to * train their People as formerly. The Tower-Hamlets likewise having been always (as 'tis said in the Act) under the Command of his Majesty's Constable or Lieutenant of the Tower for the Service and Preservation of that Fort, are permitted to be disciplin'd in such Manner and Form as heretofore. The Reason of this Clause is very plain; for those two Islands lying so much expos'd to foreign Invasions, it was fit they should be extraordinarily well provided for Defence: And so the Tower-Hamlets, because they were to keep Guard in the Tower, and might from thence distress the City, tho' lest they might not prove so unkind to their Neighbours, they were neglected as the rest, and exercis'd according to the Act; but the other Parts of the Kingdom being most likely to disrelish the Measures of the Court, were industriously made incapable of Resistance. And that this Suspicion may not seem ill grounded or malicious, I would fain know which was the best Model of training

Preservation
of the
Game consider'd.

An Armory
in every
Parish.

The Practice in the
Isles of Wight and
Purbeck as to the
Militia.

* 14 Car. 2. cap. 3. §. 22, 30, 31.

the Militia, the New or the Old? If the former, why should the Benefit of it be deny'd to those Places that stood most in need of it? And if the latter, why ought not the whole Nation to be as sufficiently train'd as one or two Islands? But all Persons own that *Guernsey* and *Jersey*, *Wight* and *Purbeck*, are equal in their Discipline to any Standing Forces. But of this enough; nor can I allow my self to question but all Parties will now unanimously join to render the Militia useful for the King's and our common Preservation: for that a Standing Army or a Militia is of absolute Necessity, is agreed on every side; but the Army is order'd to be disbanded, and should those who were for continuing it now oppose the regulating of the Militia, they give us a Demonstration that either they never thought us in so great Danger as they pretended, or thatt hey would have us intirely lost, because we refus'd to be sav'd after their Method, tho our own be more effectual and less expensive. I should now conclude, seeing no Objection remains against arming the whole free People of *England*; but I must first take notice, that our Ancestors in *Germany* did in the time of the *Roman* Empire practise the very same thing, and that they always came arm'd to their publick Assemblies. || The Germans transact no publick or private Affairs, says *Tacitus*, but under their Arms; yet is it not usual for any to carry Arms till the Community first allows him to be capable. Then some principal Person in the Assembly, or the young Man's own Father, or one of his Relations, gives him a Shield and Spear. This is their Ceremony of declaring them to be of Age, and this is the first Honor confer'd on Youth. They were consider'd only as belonging to a private Family before, but as a part of the Publick ever after. That this was our own Original Constitution in the *Saxon* time, none can be ignorant who is ever so little vers'd in our antient Customs and Writings. But we read particularly in *King Edward's* Laws, that upon a Day and Place appointed, all that ow'd Suit and Service to any Hundred came to meet their new Governor, who stuck his Lance in the Earth, and then took Fealty of them, which they perform'd by touching the Governor's Lance with their own (as the *Germans* us'd to give their Assent by clattering their Arms) whence the whole Place or Meeting was then, as it is now in some of the Northern Parts of *England*, call'd a *Wapentake*, from the touching of their Weapons.

Standing
Army or
Militia ne-
cessary.

|| Nihil autem neque publicæ neque privatæ rei, nisi armati agunt. Sed Arma sumere non ante cuiquam moris, quam Civitas suffesturum probaverit. Tum in ipso concilio vel principum aliquis, vel pater, vel propinquus Scuto Frameaque juvenem ornant. Hac apud illos Toga, hic primus juventutis honos: ante hoc domus pars videntur, mox Reipublicæ. De moribus German. cap. 13.

A Let-

A LETTER to a Member of Parliament,

Printed in 1698. *Shewing that a Restraint on the PRESS is inconsistent with the Protestant Religion, and dangerous to the Liberties of the Nation.*

S I R,

According to your Commands, I here present you with those Reasons that oblige me to oppose the restraining the Press, as inconsistent with the Protestant Religion, and dangerous to the Liberties of the Nation: Both which I undertake to shew. And in order to prove the first, I beg leave to premise,

The use of Reason.

First, That which makes a Man to differ from a Brute, wholly incapable of forming any Notion of Religion, is his Reason; which is the only Light God has given him, not only to discover that there is a Religion, but to distinguish the true from the many false ones. He therefore that employs his Reason to the best of his Ability to find out religious Truth, in order to practise it, does all that God desires: for God, who will not command Impossibilities, can require no more of him, than that he impartially searches after, and endeavours to discover religious Truth, by the use of that Reason which was given him for that end. He that does this, may have the Satisfaction of doing his Duty as a rational Creature, and may be sure, tho he misses Truth, he shall not miss the Reward that is due to him who obeys his Maker, in following as well as he could, and no more could be his Duty, the only Guide God has given him to judg of Truth and Falshood. On the contrary, he that neglects to do this, is disobedient to his Maker, in misusing his rational Faculties; and tho he should light on Truth, the Luckiness of the Accident will no way excuse his Disobedience: for God will judg us as we are accountable (that is, rational) Creatures; and consequently our Reward from him, whether we hit or miss of Truth, will be in an exact proportion to the use we make of our Reason: And if God has obliged us to use it as the only Means to distinguish Truth from Falshood, that alone must be the way to find the one, and avoid the other. Now the way that a Man's Reason does this, is by examining those Proofs, Arguments, or Mediums, that either himself or others have found out, and by comparing them with his common and self-evident Notions, by means of which he finds out the Agreement or Disagreement of any Proposition with those Standards and Tests of Truth.

The advantage of Printing.

Tho this is the only way to discover Truth, yet if a Man was left wholly to himself, without any to inform his Judgment, he would make but a very small Discovery in religious, or any other Truths: Therefore it's Mens mutual Duty to inform each other in those Propositions they apprehend to be true, and the Arguments by which they endeavour to prove them; which cannot be done so well as by printing them, ten thousand Books, after the Letters are once set, being sooner printed than one transcrib'd: By the Advantage of which, Men, tho at ever so great distance, may, with a great deal of ease and little charge, be exactly acquainted with each others Sentiments. And it's wholly owing to Printing, that Knowledg is become, not only much more diffusive, but that a great deal of more useful Knowledg has been discover'd in a short time since that Invention, than in many Ages before. And if it has not had as great Effect in most Places with respect to religious as to other Knowledg, it can only

only be because the Liberty of Printing, as to the former, has been more restrain'd; for Men have the same way of judging of that as of all other Matters.

This being premis'd, 'tis clear that the Press ought not to be restrain'd;

1. Because it tends to make Men blindly submit to the Religion they chance to be educated in: for if 'tis once suppos'd unlawful to publish any Arguments against that Religion, it cannot be deny'd but that 'tis as unlawful to read and examine those Arguments, that being the sole reason of forbidding the printing them; which necessarily supposeth they are to take their Religion on trust, without any trial, which is the greatest fault that can be, next to having no Religion at all: For I cannot see any ground a Man has to hope to go to Heaven, that will not be at the pains to examine what it is that God requires of him in order to his coming thither.

*1st Reason
against re-
straining
the Press.*

2. Because it deprives Men of the most proper and best Means to discover Truth, by hindering them from seeing and examining the different Opinions, and the Arguments alledg'd for them. I can see no reason why 'tis more necessary for him that judges for others, than 'tis for him who judges for himself, to see the Arguments on all sides; this being the only Evidence by which any Man is to judg. The suppressing the Evidence in a Cause where mens eternal Happiness is concern'd, is (I take it) much more criminal than in a Cause of a temporal Interest. So that a Law to oblige the Judges to hear the Proofs but of one side, is not so bad as to trust the Clergy of any one Sect with the Press; who, to be sure, will suffer nothing to be printed but of their own side; and who too, in all probability, will misrepresent their Adversaries and their Opinions, more than a Pleader will the Party or Cause against which he is engag'd. And are not the People (for instance) among the Papists, where the Press is effectually restrain'd, as ignorant of what can be alledg'd against the Popish Doctrines, as a Judg that has heard but one side can be of the Defence the other is to make?

*2. A hin-
drance to
the Discove-
ry of Truth.*

3. Because it hinders Truth from having any great influence on mens Minds, which is owing chiefly to Examination; for the more rational that makes an Opinion appear, the greater power it will have on the Affections, which are not mov'd without some sensible Connection between the Cause and the Effect; for what does not convince the Understanding, will have but little or no effect on the Will: Which is one Reason why Men are oblig'd to try all things, because when they see the Reasonableness of any Opinion, it will oblige them to act according to it more heartily than when they take it on trust: and nothing more endears Truth to us, than that its Discovery is the Effect of our own Industry and Observation.

*3. Hinders
Examina-
tion.*

4. Because it tends to make us hold the Truth (should we chance to light on it) guiltily; for that (as I have already prov'd) will not be accepted, if it be not the Effect of an impartial Examination, which makes Error it self innocent: for if any thing in that case be a fault, it must be the Examination, because that might have been prevented; but the Opinion that is caus'd by it could not, That being a necessary Consequence of the other. Men when they are left to themselves without any Clergy at all, are more likely not only to judg for themselves, but to make a truer and a more impartial Judgment, than when they are permitted to know the Sentiments of the Clergy but of one Sect, who then may impose on them whatever out of Interest they think fit.

5. One Reason why God hath so form'd Mankind, that each alone without the help of others cannot well subsist, is to oblige them to mutual Love and Kindness, and to contribute to one another's Happiness. And they want each others Assistance for things of the Mind as well as of the Body. For a Man would be in a miserable state of Darkness and Ignorance, were it not for the Light that others afford him: and therefore they are oblig'd to increase as much as they can each others Knowledge, especially in Religion, which they can no otherwise do, than by communicating to one another what they think is the Truth, and the Reasons by which they endeavour to prove it. To oblige Men to do this, God has not only implanted in them a strong Desire to find out Religious Truth, but as great an Inclination to teach others what they apprehend to be so; and there is no man who believes a Doctrine to be true, but would be very glad to get it own'd by others. Whosoever therefore endeavours to hinder Men from communicating their Thoughts (as they notoriously do that are for restraining the Press) invade the natural Rights of Mankind, and destroy the common Ties of Humanity. If we must, *early and late,* accor-

*5. Hinders
mutual As-
sistance.*

according to the wise man's Direction, *seek after Wisdom as after a hidden Treasure*; I cannot see how it will become the Wisdom of a Nation to endeavour by a Law to hinder us from knowing more than the scanty measure of a Party-Licenser will afford us.

Mutual
Love.

Not only the Light of Nature, but the written Word (*Levit. 19. 17. 1 Thess. 5. 14. Heb. 3. 13.*) obliges every one, Lay as well as Clergy, to exhort, warn, rebuke, and use all means possible to bring his mistaken Brother into the right way; which he can no otherwise do, than by first judging himself what is right or wrong; and then by using Arguments to persuade him whom he judges in the wrong, to desist from it. And if, as the Scripture supposeth, no Man can neglect to do this without hating his Brother; every one has a right to print his Sentiments, as the best, if not the only way to exhort, rebuke, reprove Myriads of Brethren at the same time.

In short, in all Ages the greater mens Zeal hath been towards God, and the more inflam'd their Love to their Neighbours, the more they have thought it their Duty (tho with the hazard of their Lives) to communicate to others what they judg'd to be the Truth. And all Sects, how different soever in all other things, do agree in thinking themselves bound thereto, as to the greatest Act of Charity; and consequently there is no Sect that hinders others from publishing what they believe to be Truth, but sins against the natural and reveal'd Law, and breaks that golden Rule (the Foundation of all Morality) of *doing as they would be done unto*. For tho they look upon it as impious and tyrannical for any to hinder them from imparting to others those Doctrines they judg to be true, yet they themselves would hinder all others, who have as much right to judg for themselves, and are as much obliged to communicate to others what they judg to be a Religious Truth.

Publishing
of Truth not
punishable.

What can be more inhuman, as well as ungrateful, than to punish that Person who out of love to Truth, and charity to the Souls of his Brethren, bestows his Time, perhaps to the detriment of his Health and Fortune, in publishing what he judges to be for their eternal Good? If this be a just Reward for such an Undertaking, I cannot see how the Clergy can deserve such Riches and Honours for doing but the same thing; that is, for instructing others in what they judg to be true.

Nothing can be more unbecoming the Dignity of a rational Nature, than to bar up the way to Religious Knowledg and Wisdom, which Men have no way to propagate, but by offering one another Reasons and Arguments: And there can be no Pretence to hinder Men from doing this by restraining the Press, but what will as strongly forbid them doing it any other way. In a word, Men have the same right to communicate their Thoughts, as to think themselves; and where the one is deny'd, the other is seldom us'd, or to little purpose: For,

Printing at-
mong the
Chineses.

Inconveni-
ences at-
tending the
restraining
of the Press.

Men as they are more or less hinder'd from communicating their Thoughts, are more or less stupid and ignorant, and their Religion more or less corrupted. And this is not only true with relation to *Mahometans* and *Pagans*, who suffer no Printing at all, except the *Chinese* (whose Knowledg above other Eastern Nations seems to be owing to that Art, tho among them wonderfully rude and imperfect) but with respect to Christians, among whom one would think it almost impossible, considering what Light and Knowledg the Gospel brought into the World, that any should be so grossly ignorant and superstitious as the Papists are, or that the Christian Religion should be so much deprav'd as it is amongst them: And what is this owing to, but the denying the People the Liberty of the Press, and all other ways of freely debating matters of Religion? And had it not been for this Invention, whereby men had such an easy way of communicating their Thoughts, nothing but a second Revelation could have freed them from that Mass of Ignorance and Superstition the Christian World lay under; and which was every day increasing, and does still remain in a very high degree in those Countries that groan under Restraint, as *Portugal, Spain, Italy*; which last, sutable to the Freedom once it enjoy'd, abounded with Men eminent in all Learning and Knowledg, as well as Vertue and Bravery: and that it is so much degenerated now (the Climate and the Make of their Bodies being still the same) is owing to nothing but that Priestcraft which forbids all Freedom; contrary to the Practice of antient *Rome*, where to think on what one had a mind to, and to speak one's Thoughts as freely as to think them, was look'd on as one of the chief Blessings of a Free Government.

It's not only in Popish, but in Protestant Countries too, that according to the Restraint Men lie under, Ignorance, Superstition and Bigotry does more or less abound. *Denmark, Sweden,* and several other Countries, are undeniable Instances of this; and it cannot be otherwise, for there is little difference between having no Reason, and not exercising it. And it's evident that the Clergy themselves are not only more knowing, and reason much better, but are much more sober, careful and exemplary, where liberty of Debating is allow'd, than where deny'd. From what has been urg'd, I think I may safely conclude, that Men, if they regard the employing their rational Faculties as God requires, and (the Consequence of it) the Discovery of Truth in Religion, and their being influenc'd by it as they ought to be, are oblig'd to allow one another an intire Liberty in communicating their Thoughts, which was never forbidden but where Interest supplanted Religion.

Printing advances true Religion.

6. There's no Medium between mens judging for themselves, and giving up their Judgments to others. If the first be their Duty, the Press ought not to be restrain'd, because it debars them from seeing those Allegations by which they are to inform their Judgments. All the Arguments that are or can be urg'd for the regulating the Press, have no other Foundation than that of Peoples being liable to Mistake, and subject to be impos'd on by fallacious Arguments and specious Pretences; which instead of proving what they design, only shows the greater Necessity for the Freedom of the Press: for the more apt Men are to mistake and to be deceiv'd, the less reason there is for their relying on any one Party, but the more to examine with all Care and Diligence the Reasons on all sides, and consequently for the Press being open to all Parties, one as well as the other. So that those that are for allowing Men the liberty of judging for themselves (if any such can be for regulating the Press) are very unhappy in their Arguments, because they all make against themselves, and out of their own mouths they are condemn'd.

Duty of judging for ones self.

But if Men are to give up their Reason to the Clergy, of whatsoever Denomination, there's nothing, I confess, more inconsistent with that blind Obedience than the Liberty of the Press, because it gives them an opportunity to see what can be said against that or any other darling Notion of the Priests; and then it's a great odds but that rational Creatures will be govern'd by their own Reason, and no longer endure the Clergy to be Lords of their Faith.

7. In fine, if it be unlawful to let the Press continue free, lest it furnish Men with the Reasons of one Party as well as the other, it must be as unlawful to examine those Reasons: for if the last be a Duty, the first cannot be unlawful, because it's only a means to the last in providing those Reasons which Men are bound to try and examine; except an implicit Belief be a Duty, which must necessarily bring Men back again to Popery. For if it be now unlawful to examine the Reasons on all sides, for fear of having other Sentiments than those the Clergy approve, it was no less unlawful at the time of the Reformation, which was wholly built upon this Freedom of examining the Opinions of the Priests, and rejecting them if they judg'd them false. This the brave *Luther* did singly and by himself in defiance of the whole Church, and this any Man now hath the same Right to do: So that it's evident the Freedom or Restraint of the Press depends on this single Question, Whether we ought to be Free, or Slaves in our Understandings? or, in other words, Protestants or Papists? If the first, there cannot be the least colour for leaving the Conduct of Religion so wholly to a few Priests, that nothing shall be publish'd about it but what they think fit, than which nothing can favour more of a popish, slavish, and prostitute Compliance.

Printing allows the Liberty of examining the Reasons of Parties.

What, Sir, could be more surprizing to that Honourable House, whereof you are a most worthy Member, than a Motion to this purpose; That because making of Laws is a thing of great Consequence, and Country Gentlemen are subject to Mistake, that therefore the House ought to be regulated, by appointing a Licensor to judg what should be spoke in it? As ridiculous as such a Motion would be, I would willingly know why 'tis not as unaccountable to hinder a whole Nation the Freedom of debating Matters of Religion, which (since they are not able, like their Representatives, to assemble in one Room) cannot well be done but by letting the Press be open to every one to publish his Reasons; which ought not to be deny'd, as long as every one in the Nation has as much a Right, not only to judg for himself in Religious, as any Legislators can have to judg for him in Civil Matters, but is as much oblig'd to use all possible means to inform his Judgment; and

Matters of Religion ought to be freely debated.

consequently there is as little reason to deny Liberty of debating in one Case as in the other.

Printing
occasion'd
the Reformation.

8. The Reformation is wholly owing to the Press: For tho there were several able Men who, before Printing was known, most vigorously oppos'd the growing Errors of the Western Church; yet all they could do was to little or no purpose, because they had no easy and ready way to communicate their Thoughts to any great number: but no sooner was the Invention of Printing made useful, but a poor Monk who discover'd at least the grosser Cheats of the Priesthood, was made capable of imparting those Notions, which drew almost a Moiety from the Romish Superstition, which lost ground every where, as the Press was either more or less free. Therefore it was not strange that the Popish Clergy, since they could not confound the Art of Printing, should endeavour to turn it to their own Advantage, not only by hindring any new Book from being printed, but by expunging out of old ones whatever did not serve their turn: and herein they acted consistent with their Principles, which allows no Liberty of examining, and consequently denies all Freedom of the Press, which of all things does engage Men the most to do it. But what Pretence can Protestants have for restraining it, who as they owe their Religion to its Liberty, so they cannot hinder it without destroying that Religion which has no other Foundation than that of every one's having a Right to examine those Reasons that are for or against any Opinion, in order to make a true and impartial Judgment? which can never be justify'd, if it be unlawful to permit the Press to be open for all Men to propose their Reasons to one another in order to their examining them.

The Papists
reproach us
with Hypo-
crisy.

And it cannot be deny'd, but that the Protestant Clergy, who are as ambitious for the most part as the Papists themselves to impose on the Consciences of the People, have by Persecution, Restraint of the Press, and other such methods, given the Papists (who have scarce any thing to plead for themselves but the Practice of their Adversaries) too just an occasion to insult them, who are (they say) no other than a pack of Hypocrites, in doing the very same things they so loudly condemn; and that it's little less than a Demonstration, that the Principles by which they pretend to justify their Separation, are very absurd, since they are forc'd to act contrary to them in every point. And what was it in truth but these shameful Practices, that put a stop to the Reformation, which at first, like a mighty Torrent, overwhelm'd all that oppos'd it, but has ever since gone back both in Esteem and Interest, and at last, if Men do not change their Conduct, will be quite lost? For how can it be otherwise, since that Method (Protestantism and Popery being so opposite) that preserves the one, must necessarily destroy the other?

The hindrance of
the Progress
of the Reformation.

The taking a contrary method not only hinder'd the farther spreading of the Reformation, but was the cause that where it did prevail it was no more perfect: for tho the Reformers deserve just Commendation for what they did, yet being bred up in so much Ignorance and Superstition, they could not remove those vast Loads of Corruption, which had been so long a gathering. But if those that succeeded them had taken the same liberty in examining theirs as they did their Predecessors Opinions, it's impossible but that time must have discover'd the Truth, and made them agree at least in all matters of moment. But instead of this, they became as guilty of a blind Obedience as the Papists; and it was a sufficient proof of any thing amongst the different Sects, if *Luther, Calvin, Church of England*, said so: nothing more common than that *I submit all to Mother Church*, and such like Phrases; which that Men should effectually do, there were Penal Laws enacted to force them, and no *Printing or Preaching* allow'd to those that durst see farther than the first Reformers (whose Eyes at the best were but half open, tho they saw very well for those times of Darkness, and in respect of the Papists who may justly be reckon'd to be quite blind) the Consequence of which was, that the Differences between the several Sects were widen'd, and they all run daily farther and farther into Uncharitableness, Ignorance, Superstition and Fanaticism.

9. Whosoever observes with what Zeal our Divines condemn the Popish Clergy for not suffering their Laity to read Protestant Authors, would hardly think it possible for them to be so disingenuous as to appoint some spiritual Dragons to watch the Press, lest any thing should steal from thence that's not for their turn. Let us hear only (for they all write after the same manner) the learned Dr. Clegget, who in his *Persuasive to an ingenuous Trial*, p. 28. tells us, "They that have a good Cause will not fright Men from considering what their Adversaries say, by denouncing Damnation against them, nor forbid them to read their Books, but rather

Dr. Clegget's
Judgment about
examining
things.

“ rather encourage them so to do, that they may see the Difference between
 “ Truth and Error, Reason and Sophistry, with their own eyes. This is the
 “ effect of a well-grounded Confidence in Truth, and there’s this sign of a
 “ good Cause apparently discernable in the Application of the Clergy of this
 “ Church (of *England*) both to their Friends and Enemies, they desire the one and
 “ the other to consider impartially what is said for us as well as against us. And
 “ whatsoever Guides of a Party do otherwise, they give just cause to those that
 “ follow them to examine their Doctrines so much the more carefully, by how
 “ much they are unwilling to have them examin’d. It’s a bad sign when Men are
 “ loth to have their Opinions seen in the day, but love Darkness more than Light.
 If the Church of *England* will own this to be a just Character of them, they
 ought to be so far from endeavouring to obtain a Law to restrain the Press, that
 they are oblig’d, did they apprehend any such Design, to oppose it to their ut-
 most, and to encourage their Adversaries to print their Sentiments, and the People
 to read them, that they may *see the difference between Truth and Error, Reason and*
Sophistry, Orthodoxy and Heterodoxy, Dissenting and Conforming, with their own eyes.
 Taking a contrary method only affords a new Argument for the Liberty of the
 Press, because they give their Followers a just Cause to *examine their Doctrines so*
much the more carefully, by how much more unwilling they are to have them examin’d.
It’s a bad sign, &c. In a word, did the Protestant Guides act as such, instead of
 frightening Men from considering what their Adversaries say by denouncing Damnati-
 on against them, they would tell their Auditors the great sin of being bias’d by them
 in the choice of their Opinions, and that the more important any Controversy is,
 the more reason there is for the Liberty of the Press, that they may examine with
 all the Diligence imaginable the Tenets of their Adversaries as well as of their
 Guides; and that the more they heard the one Party, the more they should read the
 other; and that if they should fall into any Error by so doing, they would not be
 accountable for it. For tho there is not (as the Papists vainly imagine) such a
 Guide as would infallibly lead every Man into every Truth, yet that every one’s
 Reason as a Guide is infallible, because God that designs that all Men (if it be not
 their own fault) should be for ever happy, has given them no other Guide but
 their Reason to bring them to that Happiness; and therefore as sure as God him-
 self is infallible, the following that Guide must bring them to that happy
 State which God design’d the following it should bring them to. And on the con-
 trary, that God, who is *the Rewarder of those only that diligently seek him*, would con-
 demn them as unprofitable Servants, who instead of using their Talents to find out
 his Will, did abandon themselves to the uncertain chance of Education and the
 Religion in fashion, which varies with every Age and every Country. As thus they
 ought to preach to the People, so they should as little scruple to tell the Magistrate
 that by permitting an intire Liberty he did nothing but his Duty; but by a Re-
 straint of the Press he did not only shew himself guilty of a blind Obedience, but
 did endeavour to make a whole Nation so, and was to answer not only for all the
 Errors and other ill Consequences himself caus’d by a Restraint, but likewise of
 abetting all other Magistrates that think themselves in the right in doing the like:
 and that tho he should chance to be in the right himself, yet he could not know
 how many he was the cause of being all their Lives in the wrong, who might be so
 only, because not having liberty to publish the Reasons they had to embrace such
 Opinions, they could not meet with any that could give them Satisfaction; and in
 truth, writing against any Opinion where Men have not the liberty to shew the
 Reasons why they hold it, is but writing at random, because mens Reasons cannot
 be confuted till they are known. Such Arguments as these, a Protestant Clergy,
 that’s true to their own Principles, ought to use both to the Prince and People, and
 not prevaricate with God and Man, and talk backward and forward just as it serves
 their turns. *If Baal be God, serve him; if not, serve the Lord.*

*No other
Guide than
Reason.*

*Blind Obe-
dience
follows on
restraining
the Press.*

10. I can see no reason why they that are for tying Men to that Interpretation of
 Scripture a Licenser shall approve, and therefore put it in his power to hinder all
 others from being publish’d, can with any justice condemn the Popish Clergy for not
 licensing the Bible it self for the Laity to read it. For if the Bible is to be trans-
 lated into the vulgar Tongue, to what end is it, but that the People by reading it
 may judg what is their Duty in the most obscure and difficult places? Ought they
 not then to see the different Translations and Explications? If they are to be de-
 ny’d this, lest they apprehend it in a Sense different from that of the Licenser and
 his Party, the same Reason will restrain the People from promiscuously reading the
 Bible, because they may, and frequently do apprehend it in such a Sense as their

*Reading
the Bible
a great Be-
nefit.*

Guides do not approve; and if that be a Crime, all the means that are necessary to hinder it must be a Duty; and therefore if it cannot be prevented without hindring the Laity from reading the Bible, it's a Crime to suffer them to read it.

A Religion that refuses Trial ought to be suspected.

Trial of all things recommended by the Apostle.

11. This Restraint gives a great handle to those that believe only natural Religion, to argue against the Christian; for, say they, 'tis no small Presumption that the Clergy themselves are conscious of the Falseness of their Religion, because they dare not suffer it to undergo a fair Trial, but do what they can to stifle all the Reasons that can be urg'd against it. The Clergy, say they, are so learned, and withal so numerous, that amongst them they could not fail to expose and confound any thing that's writ against them, had they but Truth on their side, which they know is, next to the Almighty, strong, and therefore needs no licencing Tricks, or Stratagems, to make it victorious: These are the mean Shifts that Error is forc'd to use against its Power. These Men farther add, That if Christ and his Apostles oblig'd Men to try all things, how can they that pretend to be his Successors (did they believe the Scriptures) hinder a fair trial of any thing relating to Religion? And can there be a fair Trial, when all Parties have not the liberty to publish their Reasons, that the People may compare and examine them by their common Notions, those Tests and Standards of all Truths? Has the Protestant Religion a fair Trial in Italy, where nothing can be heard in its defence? Thus 'tis that some Men expose our Religion on the one hand to the Insults of Unbelievers, and on the other of Papists; which can never be avoided but by granting to all Sects an intire Liberty of the Press. All other methods equally serve to promote Error as Truth, and consequently can never be the way that God ordained to distinguish the one from the other.

Objection from the dangerous Consequence of the Liberty of the Press.

Answered.

12. It may be objected, that by such a latitude as this People may be seduc'd into false Religions, or into Heresies and Schisms. None can profess a Religion but either, because upon examination he judges it to be true, or, that some By-Interest makes him do so contrary to his Judgment, or else, because he takes it on trust without examining it. As to the first, if two Persons profess different Religions, one the true, the other a false one, yet if they have been equally sincere in their examination, they are equally in the way to Heaven; because in following their Reason, they both have done what God requires: so two Men that equally act against their Judgment, the one professing the Truth, the other not, are alike guilty: so also are they who equally take their Religion on trust; and such perverse holding of a Religion, whether true or false, is Heresy, as the other is Hypocrisy; and according as Men are more or less partial in examining, they are more or less heretical. So that 'tis not what a Man professeth, but how, that justifies or condemns him before God. And there would be few, either Hereticks or Hypocrites, were there not Bribes annex'd to some, and Awes to other religious Tenets; for then Men would not be afraid to examine those for fear of finding them false, nor these lest they should be true, nor to own or disown either, according as they judg them true or false. And an intire Liberty of the Press would by degrees establish religious Truth, because that is supported by better, plainer, and more cogent Proofs than any false Opinions are; which are either mischievous or burdensom, or at the least useless, whilst the other by its Excellency and Usefulness carries Evidence and Conviction with it.

The Causes of Schism.

As to Schisms, they are caus'd by Mens imposing their own Interpretations, instead of the express Words of God, as necessary terms of Communion; which makes Protestant Imposers not only Schismatics but Hereticks, because having laid down as a Fundamental of their Religion, that every one is to interpret Scripture for himself, they most obstinately and perversly (not to say knowingly) act against that Fundamental.

Abuses of the Press.

13. The most material Objection against the Liberty of the Press is, That without Licensers, Atheism, Profaneness, and Immorality, as well as Sedition and Treason, may be publish'd. The Commonwealth has the same reason to punish Men for those as for these, because they are all alike pernicious to human Societies. And 'tis all the reason in the World that whoever asserts any such Notions, whether in Discourse, or from the Pulpit or Press, should be severely punish'd. But this can be no more a reason to appoint Licensers for the one than for the other; nor would it hinder the printing things contrary to Law, for none will be so mad as to desire an *Imprimatur* for them: so that such Pamphlets, whether there are or are not Licensers, will come out only by stealth; and 'tis evident there were more of them printed when the Law for regulating the Press was in being, than since. To make

make the Laws against such things severer, and to oblige either the Printer or Book-seller to set his Name to all Books whatever, will take away all pretence for appointing Licensers, and will be the most effectual way to prevent publishing such Books.

But before I leave this Head, I cannot but remark that they are no way guilty of Profaneness, who out of Conscience (to which profane and atheistical Persons have no pretence) worship God after a mistaken manner, because all the Honour Men are capable of giving an Almighty and Allknowing Being, consists in the Intention and Design; and therefore to punish those, who out of a holy Intention and pious Design worship God after that manner they judg acceptable to his Will, as profane Persons or Blasphemers, is the greatest Crime next to real Blasphemy, because 'tis punishing Men for no other reason than expressing their Zeal for the Honour of God, which they can no other wise do than by worshipping him as their Reason dictates, which they must either do, or not worship him at all, or else but with a mock Worship. And they that by force are made to break the ties of Conscience, tho ever so erroneous, cannot be good Subjects neither to God nor the King: so that Profaneness and Immorality cannot be destroy'd but by all Sects doing as they would be done unto; which must establish an intire and universal Liberty, since they have all the same Right to judg for themselves, and are equally oblig'd to act according to that Judgment, and to communicate to others what they judg to be true: which perhaps was the reason that the House of Commons so unanimously threw out the Bill for restraining the Press immediately before their addressing the King against Profaneness and Immorality. But to return,

If it be once thought unlawful to have nothing printed but of the side of the Church in fashion, the same Reason will at least as strongly hold against any thing being preach'd but of that side; because if any thing is printed against that Church, there are ten thousand Clergy (whom one would think a sufficient Guard for Truth) to expose its Folly and Weakness, but 'tis not so easy for them to know, and consequently to apply an Antidote to what is preach'd against them: wherefore they who are not for destroying that just and righteous Law that allows Liberty of Conscience, ought to be very careful of the Freedom of the Press, as the only means to guard and defend the other; and both being built on the same foundation, cannot (as has been already prov'd) be destroy'd but by striking at the foundation of the Protestant Religion. And,

Therefore it cannot be suppos'd that the chief Support of it, the Honourable House of Commons, will ever consent to the one or the other, especially considering how much the Popish Interest increaseth, and what Advantage of late it has got in France, Germany and Savoy. And if the Popish Princes (as 'tis suppos'd) have enter'd into a Confederacy among themselves to extirpate the Protestant Cause, ought not all Protestants (and all that are not for a blind Obedience deserve that Name, that being the essential difference between it and Popery) instead of using restraint on one another, to unite against the common Enemy?

Besides, let it be consider'd, 'tis not certain we shall be always blest with the Government of a Prince so intirely a Protestant as our great and glorious Deliverer. And if the Papists should pervert one, and by that means get the publishing their Doctrines without contradiction, they might by degrees confound the Protestant Religion, so much weakned already by its Professors acting so inconsistently with their own Principles. But werethat Scandal remov'd, by allowing as intire a Liberty as the Protestant Principles require, there could be no danger of the prevailing of the Popish, or any other Superstition. And 'tis remarkable, that nothing has been writ in behalf of Popery since the Expiration of the Act for regulating the Press, so little is Liberty a Friend to that Superstition.

14. But if, after all, there must be some appointed to determine the Fate of Religious Books, the Clergy, of all Men, ought not to be trusted with this Employ, because they (not content with the Right they have from the Society of exercising the Ecclesiastical Function) do claim a Power and Government distinct and independent of it, which they pretend is founded in Scripture; and consequently they have no way, as a Clergy, of gaining any Dominion, Power, or Riches, more than what the Society will give them, but by wresting the Holy Writ: And if, besides the Pulpits, where they may preach what gainful Doctrines they please without contradiction, they do so far engross the Press, as to hinder any thing from being printed but what favours their Designs; what may not such a body of Men (well vers'd in all the Arts of Persuasion) by their frequent Opportunities to display them,

them, impose on the too credulous People, especially when all the ways to disabuse them are stopp'd up?

*The Primitive
Clergy's
Behavior.*

And if the Clergy in the more early and primitive times, perhaps ever since they were forbid to *lord it over the Heritage of God*, have made it their business to pervert Religion to advance their own Power; what reason is there to imagine that they would not do the same in these later and degenerate Ages? How, I pray, did the Clergy, who at first subsisted by the Charity of the People, arrive to such immense Grandeur and prodigious Riches, but by a constant Confederacy from time to time, carried on at the Expence of Religion? which (as their own Historians shew) was proportionably corrupted, as they increas'd in Power and Riches, the one being made a step to the other: and 'tis as evident where they are now most potent, there Religion is most perverted, and the People most enslav'd.

*The Clergy
censured.*

The chief way they effected this, was by persuading the People to a blind Obedience, the consequence of which was, that they must take the Clergy's own Word for all the Powers they thought fit to say the Scripture had given them, and to submit to whatever they would determine in their own Cause, and for their own Interest. And there never was a Synod, whether Orthodox or not, but were for imposing on the Laity, not only by Excommunicating, Anathematizing, and Darning, but by making the Magistrate use Violence on all that would not, contrary to their Consciences, comply with their Determinations; by which means they at last arriv'd to such an excess of Power over the Magistrate as well as the People, that one was no better than their Hangman, and the other than their Slaves. And have not the Protestant Clergy (from whom one ought to expect better things) taken the same method to make People blindly submit to their Determinations? Nay, have they not outdone the Popish Clergy, in wresting the holy Writ to destroy the English Constitution, and enslave the Nation, and in preaching up the Doctrine of absolute Obedience, than which nothing can be more inconsistent with the Goodness of God, and the Happiness of humane Societies, as knowing the only way to secure Tyranny in the Church was to get it establish'd in the State? So that if the Protestant Clergy do not keep the People in as vile a Subjection as the Popish do, 'tis not owing to their good will; and therefore none that have any value for Religion, or any kindness for their Liberties, will trust those that lie under such Temptation to pervert the Scripture, with the sole licensing Books of Religion. As we pray not to be led into Temptation, so we should avoid leading others into it, especially such as in all probability they cannot withstand.

*Printing
an occasion
of being de-
liver'd
from Ec-
clesiastical
Tyranny.*

15. The Discovery of Printing seems to have been design'd by Providence to free Men from that Tyranny of the Clergy they then groan'd under. And shall that which was intended by divine Goodness to deliver all from Sacerdotal Slavery, be made the means of bringing it on again? And if our Ancestors could not defend themselves from more than *Egyptian* Bondage, which the Pulpits brought on them without the assistance of the Press, it's scarce possible that we should be able to secure our Liberties against both, when by the help of the latter the Clergy have got better Abilities, as well as Opportunities, to impose on the Understandings of the People; and when Men are once enslav'd in their Understandings (which of all things ought to be most free) it's scarce possible to preserve any other Liberty.

The trusting not only the Pulpits but the Press in the hands of the Clergy, is causing the *Blind to lead the Blind*, because the generality of them are more likely to be guilty of a blind Obedience than the Laity, since they are oblig'd, as they value their Subsistence, right or wrong, to assert those religious Tenets they find establish'd by Law; the truth of which they cannot any more be presum'd to have impartially examin'd, than a mercenary Soldier the Justice of the Cause he is engag'd in; being sent by their Friends to the Universities, not to try the establish'd Religion, whether 'tis right or wrong, but to profess it as a Trade they are to earn their bread by: and lest they should examine it, they are, even before they are capable, shackled with early Oaths and Subscriptions. Which is the reason that the Priests are wondrous hot in every Country for the Opinions to which their Preferments are annex'd; in one place fierce Calvinists, in another violent Lutherans, in a third bigotted Papists; which could not so universally happen, did they in the least examine those Opinions they are engag'd to profess. And therefore there can be no reason to trust the Press in the hands of Men so bias'd and prejudic'd, who cannot but be highly affronted to see the Laity do, what they durst not, judge for themselves, and not be blindly guided by them, who (poor Men) are not trusted to guide themselves. Yet for all this extraordinary precaution to keep the Clergy right and tight,

tight, and the great disproportion of Numbers between the Laity and them, 'tis evident that almost all the Errors and wrong Notions in Religion have had their Rise and chief Support from them. So that upon the whole, if the Press should be trusted with any, it ought to be with Laymen, who have no Powers, Prerogatives, or Privileges to gain by perverting of Scripture, since they pretend to none but what they receive from the Society. Tho I cannot but presume that our Legislators, were there no other reason, yet out of respect to the Clergy, would not enact such a Law as supposeth the greatest and most learned of them not fit to be trusted with the printing but a Half-sheet in Religion without consent of a Lay Licenser, who is to have an arbitrary Power over their Works. And there's no doubt but the Clergy would highly resent such a Law; tho I cannot see but the appointing Licensers, whether of the Laity or Clergy, equally reflects on their Body, because it equally supposeth they are unfit to be trusted. But if they are content with that Disgrace, it must be because either they cannot defend themselves against their Adversaries, or that they have a mind to give themselves up to Laziness and Idleness, and not trouble themselves with the laborious Work of controversial Divinity. But I shall say no more on this Point, having already sufficiently shew'd how destructive the restraining the Press is to Religion, which it cannot be without being in general prejudicial to Civil Societies, for whose good it was instituted, but especially when it is perverted on purpose to enslave them: and there never was a Nation which lost their religious Rights that could long maintain their civil ones, for Priestcraft and Slavery go hand in hand. Therefore I shall be the shorter on what I have to say on a civil account, especially considering that most of those Reasons that shew how destructive a Restraint of the Press is to Religious, will equally prove it to be so in Civil Affairs.

*Restraining
the Press
destructive
to Religion,*

16. The greatest Enjoyment that rational and sociable Creatures are capable of, is to imploy their Thoughts on what Subject they please, and to communicate them to one another as freely as they think them; and herein consists the Dignity and Freedom of human Nature, without which no other Liberty can be secure: for what is it that enables a few Tyrants to keep almost all Mankind in Slavery, but their narrow and wrong Notions of Government? which is owing to the Discouragement they lie under of mutually communicating, and consequently of employing their Thoughts on political Matters; which did they do, 'tis impossible that the Bulk of Mankind should have suffer'd themselves to be enslav'd from Generation to Generation. But the Arts of State, in most Countries, being to enslave the People, or to keep them in Slavery, it became a Crime to talk, much more to write about political Matters: And ever since Printing has been invented, there have been, in most Places State-Licensers, to hinder Men from freely writing about Government; for which there can be no other Reason, but to prevent the Defects of either the Government, or the Management of it, from being discover'd and amended.

And Liberty.

17. Fame, Reputation, and Honour, as they are the greatest Incentives to all good and virtuous Actions, so they as much terrify Men from committing base and unworthy ones. And it cannot be reasonably presum'd, considering the general Corruption of Mankind, but that the rich and powerful would frequently oppress those beneath them, were they not afraid of losing their Reputation, and exposing themselves either to the Contempt or Hatred of the People: For this Law of Reputation (if I may so call it) influences Men more than all other Laws whatever. But if there were a Licenser of the Press, he might prevail'd on not only to hinder the injur'd from appealing to the People by publishing their Grievances, but to license such Stories only as mercenary Scriblers would write to justify the Oppressors, and to condemn the Oppress'd: Which, as it would be the greatest Encouragement for those Men that are above the ordinary Remedies of Law to crush whom they please, so it would be the highest Injustice to deny the Injur'd the last Satisfaction of justifying their Innocence to the World, which would be sure to pass a just Censure on the Oppressors; and this they would the more dread, because if once they lose their Credit with the People, they will be very unfit Instruments for a Court to use. Therefore 'tis no wonder if all that make an ill use of their Power, especially those who have cheated the Government as well as abus'd the People, do endeavour with all their might to have the Press regulated, lest their Crimes being expos'd in print, may not only render them odious to the People, but to the Government. In a word, All sorts of Men whose Interest it is not to have their Actions expos'd to the Publick (which I am afraid are no small number)

*The Law
of Reputation,
its
Power.*

number) will be for restraining the Press, and perhaps will add Iniquity to Iniquity, by pretending they do it out of Conscience to suppress Immorality and Profaneness.

18. But this is not the worst that may happen, because the Press may be so managed, as to become a most powerful Engine to overturn and subvert the very Constitution; for should a Magistrate arise with Arbitrary Designs in his head, no Papers that plead the Rights and just Privileges of the People, would be stamp'd with an *Imprimatur*: Then the Press would be employ'd only to extend the Prerogative beyond all bounds, and to extol the promoters of Arbitrary Power as the chief Patriots of their Country, and to expose and traduce those that were really so; which would not only be the greatest Discouragement to all brave and virtuous Actions, but be apt to make the People mistake their Friends, when they had not the Liberty to publish a Vindication of their Principles or Actions, for their Enemies. In a word, if the Pulpits and *Westminster-hall* (as we have lately seen it) should chime in with an Arbitrary Court, what can warn the People of their Danger, except the Press? But if that too be wholly against them, they may easily be so blinded as not to see the Chains that are preparing for them, till they are fetter'd beyond all Power of Redemption; for there can never be wanting a thousand plausible Stories, and seemingly fair Pretences to amuse and divert them from perceiving their real Danger. And if we look into the History of *Europe*, we shall find more Nations wheedled than forced out of their Liberty; tho' Force afterward was necessary to maintain what was got at first by Fraud.

Slavery
promoted by
restraining
the Press.

19. 'Tis so far from being impossible, that a People may be thus impos'd on to their utter Ruin; that 'tis probable another Generation seeing nothing but the Royal Prerogative highly magnify'd, may be bred up with the Opinion of being born Slaves. And were we not almost brought to that pass in the late Reigns, when nothing came out with *Allowance*, but what was to justify such Opinions? and if some good Men, especially about the time of the Revolution, had not had the courage privately to print some Treatises (not to mention the Prince of *Orange's* third Declaration) to undeceive the People, and to make them see the fatal Consequences of those Doctrines, which by the Restraint of the Press pass'd for Divine and Sacred Truths, the Nation had tamely submitted to the Yoke. And as it cannot be deny'd but that those Papers in a great measure open'd our Eyes, so it may justly be hoped that none who saw the miserable Condition that the Act for regulating the Press would have brought us into, will be instrumental in reestablishing that Law. No, those Men sure who so much exclaim'd against it in the late Reigns, will take all care imaginable to prevent it now. But if these very Men, who may justly be said to be written into their Places, and owe their Preferments to the freedom of examining those slavish Doctrines of the former Reigns; if these Men, I say, can so far forget themselves as to be for a Law which till themselves were uppermost they thought tended only to enslave us, there cannot be, I think, a greater Argument for all others to oppose it. We are, God be thanked, blest with the Government of the best of Kings, who as he hazarded every thing to rescue our Liberties when in the extremest Danger, so he places the Glory of his Reign in preserving them intire, and transmitting them so to Posterity. And therefore none that love his Glory can be for restraining the Press, which now as it can serve to no other end than to create Jealousies in the People, who cannot forget what former Reigns design'd by it, so it may hereafter hazard all our Liberties. *Under a good King we may justly expect such Laws as will not expose us to, but secure us from the Oppressions of an ill one.* The best things when perverted become the very worst; as Religion it self, when it degenerates into Superstition, so Printing, which in it self is no small Advantage to Mankind, when it is abus'd, may be of most fatal Consequence. Secure but the Liberty of the Press, and that will, in all probability, secure all other Liberty; but if that once falls into the hands of ill designing Men, nothing that we hold dear or precious is safe. And Experience manifests, that wheresoever That of the Press is deny'd, there no Other is preserv'd. Most Countries in *Europe* maintain'd their Freedom tolerably well till the Invention of Printing; but when that was suffer'd to speak nothing but Court Language, People were by degrees gull'd and cheated of their Liberty. Had not the late King tack'd Popery to Slavery, he might with the greatest ease imaginable have enslav'd us; and methinks the Danger we have so miraculously escap'd, should fright us from ever enacting any of those Methods into a Law that so much contributed to that Danger.

Liberty of
the Press
secures all
other Liberty.

20. That which alone would engage me, were I a Senator, to oppose the Restraining of the Press, is, that a Parliament is to take cognizance of all sorts of things, which some Men of Gentlemen-like Education may not have much considered; and therefore the perusing what those without doors, who have made such things their Business, have writ, may be none of the worst means of informing themselves; but a Restraining of the Press may in a great measure hinder them from receiving this Satisfaction, because Licensers might be prevail'd on to suffer but one side to publish their Sentiments even in Matters of the greatest Consequence. I have met with some Members who have frankly own'd that the incomparable *Argument against the Standing Army* gave them great Insight into that grand Point, which, said they, had not the Press been open, would never have appear'd, nor any thing on that side, but a number of Pamphlets on the other, which, with the noise of self-interested Persons, would in all probability have carried things quite otherwise. And seeing they could not foresee how frequently such things might happen, this alone, said they, was enough to convince them of the necessity of the Liberty of the Press, since they could not be too secure of that inestimable Jewel Liberty, which, if once lost, was scarce ever to be recover'd, especially if seiz'd by a domestick Power.

Great Satisfaction got by the Press's being open.

21. I doubt not but there are several well-meaning Men for regulating the Press; who, did they consider how subject all things are to change, could not but be apprehensive that this Engine of their own contriving might be turn'd upon themselves, and made to ruin those very Designs they thought to promote by it. For the Press (as a witty Gentleman observes) is like a Jackanapes, he who has him in his hands may make him bite whom he pleases, and therefore 'tis the safest way to keep their Jackanapes in their own hands. And it cannot but shew a great deal of hardiness to make such a Law as may produce very fatal Consequences even to the Makers themselves, who will then deserve no pity, since they are scourg'd with Rods of their own providing: and 'tis the more probable this may happen so hereafter, since even at present such a Law has but an untoward Aspect upon most Parties; for one Party, tho' he is pleas'd with it in religious, yet dislikes it in civil Matters; another thinks the contrary to be his Interest; a third is satisfy'd with having such or such Sects restrain'd from Printing, but would be glad that others had that Liberty; a fourth, who cares not how all the Sectaries are dealt with, is yet afraid, that if the Press be in the hands of moderate Churchmen, none will be suffer'd to write any more Letters to a Convocation-man, or a *Manicipium Ecclesiasticum*, or such like Books; a fifth is afraid lest this Power should get into the hands of the rigid ones, for then the others will be run down as *Trimmers*, *Latitudinarians*, and what not. The same may be said with respect to other Religious Opinions, about which Men of the same Church are divided; and the like may as well be observ'd in Civil Matters, but I leave every one to make that Remark for himself: so that if all Parties cast up their Account, there are very few of them but will find a Restraining of the Press to be against even their present Interest.

Different Fears from the Liberty of the Press.

22. I might add a great number of other Reasons, because as many things as are worth knowing, so many Arguments there are for the Liberty of the Press. What can be more useful than History, and the Knowledge of our Ancestors Actions? A faithful Account of which can scarce be expected in a Reign that has a design to disguise Truth, and to keep us in ignorance of those noble and generous Notions our Ancestors had of Liberty, and how they asserted theirs upon all occasions. As for what concerns the present time I shall only say, that for my own part I should be glad, especially when at a distance from *London* (and I suppose other Country Gentlemen may be of the same mind) to divert my self with some other News-papers besides the *Gazette*, which would hardly be permitted if the Press were regulated. As for Books of *Philosophy*, and of other Arts and Sciences, I can see no reason why there should be any Restraining on them, or why the licensing them should be intrusted with the Clergy, as by the late Act, except it be to hinder such Books from being printed as tend most to inform Mens Judgment, and make them reason clearly, things very dangerous to a blind implicit Obedience. Besides, an excellent Discovery in Nature may be hindred from being publish'd, on pretence that 'tis inconsistent with Religion: for the time has been when asserting the *Antipodes* was no less than Heresy, and the Motion of the Earth a Crime worthy the Inquisition; and with as little Reason (not to mention Dr. *Burnet's* ingenious Tracts) has the most useful Book that was ever written in Philosophy, the *Essay of human Understanding*, been condemn'd as inconsistent with the Articles of the Christian Religion. As for *Physick*,

Liberty of the Press useful.

Books of Philosophy.

Of Physick. *sick,* tho the licensing Books therein were wholly trusted with some of the College, the most useful Piece in that Science, either because the Licensers were engag'd in another Method of Practice, or because it may take from their Advantage, by prescribing a cheaper and easier way of Cure, or out of Envy, or a thousand other Reasons, might be hindred from seeing the Light, to the great detriment not only of the present, but future Ages. As to *Law*, I shall only say, If there are any Abuses crept into it, the likeliest way to have them reform'd, is not by restraining the Press.

*How far
Licensers
are to be
trusted.*

23. Were Licensers unbiaſt, uncorrupt, and infallible, there might be good Reason to trust them with an Arbitrary Power to paſs what Sentences they pleas'd on Books; but if we are to judg of the future by the paſt, they are almoſt as likely to be one as the other. Men of Senſe (and others ought not to be trusted with it) without being reſolv'd to make the moſt of it, will not care to be condemn'd to the drudgery of reading all the Traſh that comes to be printed; nothing but Neceſſity will make ſuch Perſons ſubmit to it, and that Neceſſity will make them leſs able to withſtand Temptation. So that the appointing Licensers will be as bad as laying a Tax on Learning, ſince by delaying to look over Books, eſpecially thoſe that require haſt to be printed, and by other Tricks (for there are Myſteries in all Trades) they may make People pay what they pleaſe for their *Allowance*.

*A hindrance to the
promoting
of Know-
ledg and
Truth.*

24. But this is not the worſt, it will be a great hindrance to the promoting of Knowledg and Truth, by diſcouraging the ableſt Men from writing: for ſuch Perſons, eſpecially after having once had the Liberty of publiſhing their own Thoughts, will not be content to have their Works lie at the Mercy of an ignorant, or at the beſt of an unleiſur'd Licenſer, who upon a cuſtory view may either condemn the whole to perpetual Darkneſs, or ſtrike out what he pleaſeth, perhaps the moſt material things. And tho a living Author may ſubject himſelf to this, yet none will be content that the Labours of a deceaſed Friend ſhould be ſo ſerv'd: So that the Works of ſuch a Perſon, tho ever ſo famous in his Life-time, ſhall be loſt to all Poſterity. Beſides, is it not intolerable, that every time a Man has a mind to make any Alteration or Addition, between the licensing of the Copy and the printing it off, he muſt as often hunt after the ſame Licenſer to obtain his Leave, for the Printer could not go beyond his licens'd Copy, when in the mean time the Preſs, to his no ſmall damage, muſt ſtand ſtill?

In ſhort, tho there might ſeem to be ſome reaſon to condemn a Perſon that upon a fair Trial had been found guilty of writing immoral things, or againſt the Government, to the puniſhment of never writing again but under the Authority of an Examiner; yet what reaſon can there be that thoſe who never offended, ſay that the whole Commonwealth of Learning ſhould be ſubject to ſo ſevere uſage, which too is the way to have none but Fools and Blockheads plague the World with their Impertinence, and make an *Imprimatur* (as it did formerly) ſignify no more than that ſuch a Book is fooliſh enough to be printed?

'Tis objected, That without Licensers any one may reflect on whom he has a mind to, ſo that moſt People ſhall be ſenſible whom he means, tho he mention but two Letters of his Name, or uſeth ſome other Deſcription, by which means he is out of the reach of the Law.

This may be an Argument for the forbidding all Printing, but none for appointing Licensers; for 'tis much more reaſonable for all to have the liberty to vindicate themſelves the ſame way they chance to be aſperſed, than to let the Licenſer's Party abuſe all others, and the Preſs not be open for them to juſtify themſelves. But if any one reflects upon another after this manner, let him make appear whom it is he means, or elſe be eſteem'd in Law to intend that Perſon that takes it to himſelf.

This I think is all that can be objected as to Civil Matters, except what relates to Sedition and Treason, for an Answer to which I refer the Reader to *ſect. 13*.

I have no more to add, but that my greateſt Ambition, next to ſerving the Publick (which here I have endeavour'd to do, without ſo much as once thinking how it may affect me in my own private Concerns) is to approve my ſelf to be,

S I R, Your moſt faithful and devoted humble Servant.

The Anatomy of a Project for raising Two Millions.

Printed in
1698.

BEfore I enter upon the Project I will premise three things.

First, That the Consumption amongst our selves of the wrought Silks, Bengals, and painted Callicoes of *India*, is prejudicial to this Nation, and not only carries out our Money, but hinders our Silk and Woolen Manufactures at home. And here I shall not enter into a Dispute, whether the *Indian Trade* in general is beneficial to the Kingdom, or not? for in my Opinion that ought to be made no part of the Question; but whether, if those Manufactures were prohibited here, the Trade would not be more beneficial, or less destructive than it is?

I never heard but of two Objections against such a Prohibition that weighed with any body.

First, That the Trade cannot be carried on without these Manufactures; which is as much as to say, that the Kings of *China* and *Japan* will not sell us their Commodities, unless we buy the Emperor of *Persia's* and the Great *Mogul's*; or that the Great *Mogul* will not sell us for ready Money raw Silks, Pepper, Mullins, white Callicoes, Fans, Salt-petre, nor even these Manufactures, unless we take as many as he pleases to impose upon us, and spend them in *England* too. If they say that the Trade will not turn to account without these Manufactures, they speak against Matter of Fact; for they all know we carried on the Trade many Years with great Success before they were thought on, this Mischief being but of a few Years date.

The Prohibition of Indian Silks and painted Callicoes consider'd.

The second Objection is, That it is our Interest to spend the *East-India* Manufactures our selves, which cost but little, and so send our own to other Countries to a greater Advantage. Now I would ask of these Gentlemen, Whether it is not full as reasonable to let Corn come in from *Dantzick* and *Poland*, Cattel and Cloth from *Ireland*, Silks, Stuffs and Salt from *France*, &c. at a low Price. that we may sell our Corn, Cattel, Cloth, Stuffs and Salt to other Countries at a high one, as to say we must wear *East-India* Silks, Bengals and Callicoes at home, that we may send our own Silks and Stuffs to Foreign Parts? as if the same Reason which makes the *East-India* Commodities beat us out of our own Markets, will not beat us out of Foreign; and then we shall neither wear any of our own Manufactures at home, nor send them any where else: Besides, we all know that many thousands of both Woolen and Silk Manufacturers are ready to starve in *England* for want of Work; and that we do already sell as much Woolen Drapery abroad as we can have vent for, notwithstanding all that is spent at home, and could make as much more if we could dispose of it.

The second thing I shall premise is, That we have sent formerly as many of these Commodities to the other Parts of *Europe* as we are like to do hereafter: *France* that took off a great part of them, having already prohibited them intirely, and other Nations may do the same. Besides, *France* as well as *Holland*, *Denmark* and *Scotland*, have *East-India* Companies, and other Countries in probability in time will have the like, who all will share in that Trade, which we formerly in a great measure ingross'd; so that if we increase much in it, it must be by our own Consumption.

English Manufactures formerly sent abroad.

The third thing is, That there never was a Million per Annum (I believe not two thirds of it) spent in this Trade (I mean original Stock outward bound) and

Stock in that Trade how much there employ'd.

there is no reason to believe this Project will enlarge the Trade; for no Person will have any Liberty or Advantage by it more than he hath at this time: for now every Man may trade for as much as he pleases without any Limitation; whereas, if this Project takes, all that are not Subscribers will be restrain'd. When they talk of discovering new Trades, I say, this Restraint will rather discourage than promote such a Discovery, for the Reasons before given; nor is there any Probability of such an Attempt, whilst they can make so great Advantage by these Commodities.

I am not positive in any thing I have here said; but as I am more or less mistaken in these Principles, so I shall be proportionably in all the Deductions I make from them.

The Project
propos'd of
raising two
Millions.

These things being premis'd, let us examine this Project, which runs thus, viz. Any Persons whatsoever that will subscribe 2000000 l. of Mony to his Majesty's use, shall have 8 per Cent. perpetual Interest, redeemable by Parliament, issuing out of a double Duty upon Salt; and shall besides have a Liberty of trading to the East-Indies for as much more; and if they will not trade themselves, may sell or rent that Liberty to any others, in the nature of Licenses to Hackny-Coachmen: so that here is 4000000 l. of Mony to be rais'd, two for his Majesty, and two to trade with.

Examina-
tion of it.

I do not pretend here to recite the Project offer'd to the House of Commons, for that I know nothing of; but this is a Project talk'd and cry'd up in Coffee-Houses. Now I say, the Encouragement offer'd to the Subscribers is not sufficient to bring in the Mony; and if it was, it would bring utter Ruin to the Kingdom. To dissect it, let us inquire what the 8 per cent. is worth as Exchequer Credit goes now. We may remember not many Months ago, that Salt-Tallies which had 7 per cent. Interest, were sold for 50 per cent. and now will not sell for above sixty four, tho it is the best Fund in England (it having paid off already near 800000 l. of the principal Mony (and much better than it can be when the Tax is doubl'd. I do believe the Projectors will agree with me, that they are not like to sell better for increasing our Funds; nothing being more certain than that the more Tallies or Stock we have, they will sell the cheaper: besides, when two Millions worth of Stock is to be sold together, it will not bear the same Price as when there is not above two or three thousand Pounds worth; for where lumping Sums are to be rais'd, there must be lumping Penniworths.

8 per cent.
whether a
sufficient
Encourage-
ment.

Therefore taking it for granted, that the 8 per cent. will not be Encouragement enough, then this Defect must be supply'd by Licenses to trade to the East-Indies, to the Value of 2000000 l.

Now I have suppos'd before that a Million of Mony is as much as can be turn'd, especially for a great many Years, in this Trade; which, if true, then here are twice as many Licenses as can be made use of. Now it is certain that every Man will rather make something of his License than nothing, and then of consequence they will beat down one another so low, that some of them may be bought upon very reasonable terms to put under Tarts and Cheescakes. I would ask of our Projectors, whether, if there were twice or thrice as many Licenses for Hackny-Coaches as could be employ'd about the Town, some of them would not be us'd for Bumfodder?

To avoid this necessary Consequence, perhaps they will say that 2000000 l. per an. may be employ'd in the Trade: then let us see what Consequence that will be to the Kingdom.

Q. whether
500000 l.
is sent out
every year
to India in
Commodi-
ties.

Dr. Davenant says in his Essay upon the East-India Trade, that we usually send forth 500000 l. per annum in value to the East-Indies, whereof I believe he will allow that not above 200000 l. was in Commodities: now I do not see any Probability of more than that Quantity in Commodities being ever sent hereafter; for if they could have dispos'd of more, the East-India Company and Interlopers would rather have carried it out, tho they got but two per cent. by it, than have sent empty Ships. Indeed all Parts of the East-Indies are so hot that our Cloth is of little use to them; and that which is sent is a Clog on the East-India Company, and little Benefit to us, for they send most of it up the Persian Gulf, which prevents the Sale of as much from Turkey: then the other 1800000 l. must be sent out in Silver and Gold. Now if what the East-India Company says be true, the Returns for this Mony will be five times as much, which will make 9000000 l. but because we will be sure to be within compass, we will take it to be but six; and if what I have said in my second Proposition be true, all Europe besides England will not take off above 500000 l. of this Sum, according to the Computations of Dr. Davenant, who with-
out

out doubt makes the most of it: then there must be the value of 5500000 *l.* per an. of these Commodities spent in *England*, which must put an end to every Manufacture we have, and in a few Years not leave one Penny of Money in the Nation. It is not material whether my Computations are exactly right; for I intend only to shew, that if 2000000 *l.* can be turn'd in the Trade, then much the greatest part of it (if not nine parts in ten) will be carried out in ready Money; and we have no Assurance of ever seeing any Proportion of it again, that depending upon the Fashions, and uncertain Humours of other Countries.

If I am answer'd, That the Parliament designs to keep the Trade within their own Power, and to lay what Impositions or Restraints upon it they please; I reply, That destroys the very Project: for nothing is more certain than that these Inconveniences will happen, and 'tis very probable the Cries of the People will at last prevail upon the Parliament to prevent them, as hath been attempted four Sessions together, and twice Bills have passed the House of Commons to that purpose: and can it be conceiv'd that the Merchants will subscribe a vast Sum of Money at such Uncertainties, when every Year they will be in pain about losing the most beneficial part of the Trade? The same Objection lies against its being made redeemable by Parliament; for tho that is never likely to be done, yet the very mentioning it may spoil the Proposal: for it is telling the Subscribers after they have stood the brunt of the day, if another Set of Men hereafter, when Money is more plenty, shall offer to raise the same Sum upon easier Terms, then they shall be laid aside.

From all this I infer, That if 2000000 *l.* is not employ'd in the Trade, the Licenses will be worth little or nothing; for no body will be restrain'd when there are more Licenses than can be us'd: and if the whole 2000000 *l.* is employ'd in the Trade, the Kingdom is undone. Besides, the *East-India* Company that now is must either be abolish'd, or continu'd; if the former, it seems to be great Injustice to them, when the King has granted them a Patent pursuant to the Votes and Address of the House of Commons; if the latter, then there will be a great Stock without Limitation employ'd in the Trade over and above this 2000000 *l.* and so consequently much more Money will be carried out, and these Licenses of much less Value.

We may add to this, That nothing can be more fatal to the Nation than settling perpetual Funds; for they maim the Publick, and in effect cut off so many Counties from the Government, by diverting more Supplies than they contribute towards the national Charge to private Uses. It's a most miserable thing to consider, besides the Funds that will expire in about 8 Years time, that we shall pay, if this Project goes on, near 800000 *l.* per an. for Perpetuities or long Tracts of Years; which will make the Publick as much weaker, as if the 6 Northern Counties, with all the People in them, were sunk in the Sea. This it is that hath brought *Spain* to so low an ebb, notwithstanding their great Territories in *Europe*, and the Riches of the *East* and *West-Indies*. Besides, these long Funds strike at the very Foundation of our Government; for if in a future Reign the Court should shut up the Exchequer, what will become of our Constitution, and the Power of Parliaments, for which, in my Opinion, we have no Security but their Power of giving Money? and therefore unless I was a Minister of State, I would never consent to a Project that seems so pernicious to me.

They tell us this Fund shall be made redeemable by Parliament; which is a Chimera, when there is the united Interest of such a Number of People to continue it, and 2000000 *l.* of Money must be rais'd to redeem it: and whoever doubts this, let him consider not only what the *East-India* Company hath done to preserve themselves, but what Interest the *African*, *Russia*, *Hamborough*, and other Companies, have always made when they have been in danger, and he will be satisfied that so great a Body of Men arm'd with such a Revenue and such Privileges, will not only preserve themselves, but almost govern the Kingdom.

But farther, if this takes, in all probability it will destroy the *Bank of England*, Qu. if the not only by lessening the Price of their Stock, but by making such Demands upon Bank of E. them as 'tis impossible they should pay: and if they should be broke a second time, will suffer they must not expect another Resurrection; the Consequence of which must be the by it. destroying the Credit, and depretiating all the Tallies in *England*, which have advanc'd or decreas'd always with the Bank-Stock: nay, even this very Stock will have the same fate.

Besides, the doubling the Salt Fund in all likelihood will not double the Income, as we have experimented already in the Excise upon Beer and Ale; and then it will

will lessen the Security of the Salt Tallies, which now pays off every Year part of the principal Mony, and then perhaps will not pay off the Interest, and by that means make that Fund perpetual, which otherwise would clear it self in less than 20 years.

Before I have done, I will take notice of a Saying that is in almost every ones Mouth, viz. *That we must settle the East-India Trade one way or other, or else it will be lost.* tho, by the way, this can't be such a settling it; for this Project gives no Man any Advantage, Benefit, or Facility in Trading that he had not before, but only says, No Man shall trade that is not so qualified.

Now let us consider what Trades we are in possession of, and that we are likely to lose. We have little or no Trade but to *Persia, India, China, or Japan*, for the Commodities of those Countries, most of which we buy with our ready Mony.

Now, I would ask, whether if we should discontinue this Trade for 20 Years (which cannot be the Case) they would not sell us their Commodities for ready Mony whenever we offer'd it. The *English* and *Dutch East-India* Companies know this by woeful Experience; for tho they have had the Monopoly of these Trades for many Years, yet now the Interlopers beat them both out of them.

There is one part of the Trade to the *East-Indies* which would be beneficial to us if we could get it, which perhaps requires joint Counsels, Stock, and Forts to manage, which is the Trade for Spices to the *Molucca* and *Philippine* Islands. The reasons that Forts may be necessary here is, because they are small Islands inhabited by few People, and may be seiz'd by the *Dutch* and other Nations, if we do not protect both them and our selves: but this Reason will not hold in those vast Dominions where Forts cannot defend us against the Natives, and the Natives will protect us against other Nations: so that nothing can be more ridiculous than to have Forts there to secure the Trade of the Coasts of 10000 Miles; as if we should have a Fort at *Archangel* to secure the Trade to *Turky*.

This Trade for Spices would be a prodigious Advantage to the Kingdom, tho not so great Profit to the *East-India* Company as the Manufactures they now trade in; which is the Reason they have never yet applied themselves to get it, as might be easily done if *Dampeir* tells us true, who says, that many of the *Philippine* Islands have Spices which the *Dutch* know nothing of; and some of them have made Overtures to the Company, but without Success: so that upon the whole matter it appears to me, the prejudicial part of the Trade we can't lose, and the other we either will not, or cannot get.

But after all, if we are resolv'd to encourage these Manufactures, in my Opinion the best way will be to establish the *East-India* Company, not for the Reasons they give, but because it will discourage the Trade; for as they would manage a beneficial Trade to least Advantage, so they will a destructive one to least Disadvantage.

I do not pretend here to have recited the Project exactly, nor am I positive in any of my Computations, but have endeavour'd to take them the strongest against my self; and if I am mistaken in them, there must be proportionable Allowances made: and yet I believe the Substance of what I have said will hold true. Besides, I have not entred into the Practicableness of the Project, as how it will be possible to confine Men to trade for no more than they ought to do, when Gold, Silver, or Jewels, may be carry'd out privately, and Mony be transmitted by Bills of Exchange; and then what will become of the Licenses? But this I will leave till I know more of it, and then I will either own my self in the wrong, or shew it to be a senseless Project.

It cannot be doubted but those whose Business it was, consider'd of all the Proposals for raising of Mony before the Parliament sat; and since they thought this a good one, they would have done their Country great Service if they could have offer'd it sooner: for by that means they might have sav'd the great Discounts we have paid; they might have discharg'd a great many thousand Seamen, whom we have kept in constant Pay for want of Mony to clear them; they might have disbanded all the Army which the Parliament have not allow'd, and have been kept up since at the Expence of that Mony which is and must be given to maintain those that were allow'd, because a few thousand Pounds could not be got to disband them; besides the great Inconvenience it has been to the Country-Gentlemen, who have been kept from their Affairs at home, and at last may be under a necessity to leave the whole Business of Parliament to those whose Occasions require them to be about *Westminster*.

I will conclude, with my hearty Wishes for raising the Mony by the most effectual means, for his Majesty's and the King of Spain's Life, and for a Triennial Parliament.

F. S.

A LETTER to his most excellent Majesty King William III.

Printed in 1698.

S H E W I N G,

- I. The Original Foundation of the English Monarchy.*
- II. The Means by which it was remov'd from that Foundation.*
- III. The Expedients by which it has been supported since that Removal.*
- IV. Its present Constitution, as to all its integral Parts.*
- V. The best Means by which its Grandure may be for ever maintain'd.*

S I R,

A Well-meaning and dutiful Subject humbly begs your Majesty to read this Letter, which is written with no other Design than only to set before you,

- I. What was the antient Foundation of the English Monarchy.*
- II. How it was remov'd from its natural Foundation.*
- III. By what Expedients it has been supported since that Removal.*
- IV. By what Expedient your Majesty may support the Monarchy during your Reign (which I pray God may be long and happy) and also raise it to as high a degree of Glory as ever it attain'd heretofore. Under which Head is included its present Constitution as to all its integral Parts.*

I. The Monarchy of England was settl'd upon an Overballance of Lands vested in the King, the Nobility, and the Church, who antiently possess'd above two thirds of the whole English Territory : But the Noblemen held their Lands upon condition, that they should assist the King on all his Occasions with certain Quotas of Men well arm'd and paid : And then these Noblemen let out their Lands to their Tenants on condition they should always be ready to follow their respective Lords to the War as often as the King had any occasion for their Service. So that very small Rents were demanded by the Lord from the Tenants, because he had contracted for their Personal Service.

'Twas this Disposition of Lands which enabled our former Kings to raise great Armies when they pleas'd, and to invade France (their natural Enemy) with Success : and hereby it was that the Nobility upheld the Grandure of the King at home as well as abroad ; and at the same time they were a shelter and defence to the com-

The Bal-
lance of
Property.

common People, if the King were inclin'd to make any Incroachments upon them. For the Overballance of Propriety (and consequently their greatest natural Power) was vested in the middle State of Nobility; who were therefore able to preserve both King and People in their due Bounds.

Thus the *English* Monarchy stood upon a natural Foundation, the King being the great Landlord of his People, who were all bound by their Tenures (in subordination to one another) to support his Crown and Dignity.

The Founda-
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by Hen. 7.

ni bann
sqoi

Tenure of
Lands al-
ter'd.

Ballance
turn'd to-
wards the
Commons.

The Monar-
chy subsists
by Expe-
dients.

II. This antient Foundation of the *English* Monarchy was sap'd and undermin'd by King *Henry* the Seventh, who (having seen the Imperial Crown of *England* dispos'd at the pleasure of the Lords that had maintain'd a War against the Crown for near 400 years) could not but be much concern'd at the overgrown Power of the Peers, who sometimes would pull down and set up what King they pleas'd: and this Consideration made King *Henry* the Seventh seek after ways and means how to lessen the Power of the Lords, which had been so prejudicial to the Crown; and seeing that their overgrown Power was supported by the great Territories of Land of which they were possess'd, and which they could not alienate from their Heirs, he by the help of his Parliament found out a way to change the Tenure of Lands in such a manner, that the Tenant should be oblig'd only to pay a Rent instead of personal Service to his Landlord: and also a way was found out for the Lords to alienate their Lands from their Posterity. This was done to the end the Lords might be encourag'd by an expensive way of living to sell their Lands, and that the Commons who lived thriftily might be enabled to purchase them. Hereby it came to pass, that at the end of King *Henry* the Eighth's Reign (in whose time most part of the Church-Lands were also sold to the People) the common People of *England* had near two Thirds of the Lands of *England* in their proper Possession, and the King, Lords, and Church little more than one third Part; whereby the Ballance was turn'd on the side of the Commons, who were therefore able to make War upon the King, Lords and Church together, as appear'd afterwards in the Reign of King *Charles* the First.

Thus it appears that the antient Foundation of the *English* Monarchy was remov'd in the Reign of King *Henry* the Seventh; and the Overballance of Lands falling from the Lords to the Commons, 'tis evident that the Monarchy has ever since stood not upon an Aristocratical, but a Popular Foundation; and such a Foundation does naturally support none but Commonwealth Forms of Government. Wherefore a Monarchy supported on such a Foundation may properly be call'd a Government of Expedients, because it is by Expedients and Inventions, and not upon any bottom of its own that it subsists. Now what Expedients our Kings have us'd to support the Monarchy, is the next thing to be consider'd. Wherefore,

Q. Eliz. af-
fected a Po-
pular Go-
vernment.

K. J. I. had
different
Maxims.

III. The Ballance of Lands being chang'd by the end of King *Henry* the Eighth's Reign, from the Lords and Church to the Commons of *England*, 'tis past all doubt but that Queen *Elizabeth* discover'd the popular Bottom of the Monarchy, because she found out the only wise Expedient by which the Monarchy upon its new Foundation was capable of being supported in its antient Lustre and Glory. Her Expedient was her Popularity, by which she accommodated her personal Administration to the true Genius of the Monarchical Constitution as it then stood. For the whole Reign of that Queen (of glorious Memory) tho long, but not tedious, was past over in a constant Courtship to her People, in which not only all her Actions, but sometimes her very Words express'd her Knowledg, that the Monarchy was then founded on their Affections. In what Glory she supported her self and the *English* Monarchy by that Expedient of Popularity, notwithstanding very great Oppositions from the preheminent Powers of *Europe*, her History does sufficiently explain.

King *James* the first was not in his nature inclin'd to pursue this honourable and proper Expedient, but his Thoughts seem'd to be set on his own Power more than upon his Peoples Good; whereby it came to pass that the Flattery of the Court was more pleasing to him than the general Interest of his Kingdom. And having got some superficial Skill in the Arts and Sciences, and a profound Knowledg (as he thought) in Theology, he made his Court to the Divines of the Church of *England*, that they being appriz'd of his great Learning might in their Writings celebrate his Fame, and insinuate to the People his great Knowledg in all sorts of Di-
vine

vine and Human Learning. Hereupon at his first coming to the Crown of *England* he industriously assisted the Bishops and Church-Party against the Puritans; whom the Church look'd upon as no less than her Enemies, because tho they could endure, yet they did not admire her Bishops and Ceremonies. And in this manner that King found out his Expedient in the Church-party, which admir'd and almost ador'd his deep Learning, oftentimes comparing him to King *Solomon* for Wisdom, and indeed omitted no opportunity which might gain him an extraordinary Reverence among the People.

Courts the Clergy, who flatter him.

'Tis not then to be wonder'd at that King *Charles* the First trod in the steps of his Father, and pursu'd the same Expedient which had been successful to his Father, especially having deriv'd from him the same Temper of Mind, and being well pleas'd to have for his Flatterers the gravest of Divines; whose Courtship ever tended to aggrandize the King by enlarging the Royal Prerogative, and to set it above the Laws of the Realm, by virtue of some political Doctrines which they drew from the Word of God. From hence sprang the Divine Right by which those Kings were said to reign over us, and a Divine Right of Succession to the Crown of *England* was deriv'd to their Posterity. But yet King *Charles* the First laid too great a weight upon this Expedient, and encourag'd it too much, even when the People began to be sensible that the Pulpit-Law did build the King's Prerogative upon the Ruins of the Peoples Liberty: And herewith began the quarrel of the People against that King, in which he lost his Life; and the Monarchy losing its Expedient of the Church-party, was likewise overthrown.

K. Ch. 1. follows his Maxims.

After this an Essay was made to introduce a Commonwealth Form of Government, but it was interrupted by a Standing Army, which with their arbitrary and uncertain ways of Administration at last tir'd out the People, that they restor'd the Monarchy in the Person of King *Charles* the Second; who being the Son of the Royal Martyr, was intitled to all that Assistance which the Church was capable of giving: and there was one thing more which made the Churchmen exert all their Powers with the greatest vigor in favor of their restor'd King, which was this.

The Nation soon tir'd of a Commonwealth.

The Clergy and their Party having been ill treated since the Downfall of King *Charles* the First, and being again restor'd with *Charles* the Second to their former Dignities, they were highly animated against the Presbyterians, by whom they had been provok'd in the late *Interregnum*, so that nothing was more in their Desires than to be aveng'd of their Enemies; and this master Passion of theirs was so well gratify'd by their King, who granted severe Laws against all Dissenters from the Church, that no Prince ever gain'd the Hearts of the Clergy and their whole Party more intirely to his Interest than *Charles* the Second. No Vice or Leudness could stain the Reputation of the Martyr's Son; but tho he were the greatest Encourager of all Profaneness and Immorality in the most open manner, yet still he was our most Religious and Gracious King. In his time all Atheists, Debauchees and loose Persons own'd the Church of *England* for their Mother; which numerous Party enlarging the Pale of the Church, assisted very much to advance the Power of the King upon the Foundation of the Divine Right which it was said God had given him: so that the universal Acclamation was, *Great is Diana of the Ephesians*, and great is the *Jure Divino* King, the Image which fell down from *Jupiter*!

The Restoration of K. Ch. 2. brings the Clergy into his Interest.

But notwithstanding this loud Acclamation, the cautious King, who in his youth had bin forc'd to travel into foreign Countries, and was unwilling to take such another Journey, did not think fit to rely wholly upon this Church-Expedient, but to give it greater strength he twisted into it a Court-party, who by their Places and Pensions were oblig'd to assist his Royal Pleasure by their Votes in both Houses of Parliament: and thus the Monarchy had its Foundation laid in Place and Pension, which by angry People is call'd Bribery. But let that be as it will, 'tis certain that Men can never act so vigorously for a Bribe, as out of mere Inclination. Besides this, mercenary Men are soon discover'd in their Designs, and the Discovery of their Principle forfeits all their Credit with the People. So that a small steddly Country-Party in Parliament were a great clog upon the Projects of Church and Court, which, tho so closely united together, prov'd but a lame Expedient to support the Monarchy in the Person of King *Charles* the Second; so that between these two stools he fell at last to the ground, but not without thoughts of the only Expedient by which he might (had he liv'd) have establish'd himself upon the Foundation of the People of *England*.

Sets up a Court-party and bribing of Members.

King *James* the Second would not trust to any of the foremention'd Expedients, because none of them could be sufficient to carry him thro all his Designs, especially

K. J. 2. trusts only a Standing Army.

thro that of introducing Popery. Nothing less than a Standing Army could support his Tyranny, but Popery was too great a weight for the Army to stand under: So that while he was subduing the People to Popery by a Protestant Army, he lost both People and Army; in consequence whereof he was lost himself. And that the Loss of him may by means of your Majesty's happy Reign be a Gain to England, it is to be consider'd,

IV. By what Expedient your Majesty may support the *English* Monarchy during your Reign, and by which you may raise it to as eminent a degree of Glory as it ever attain'd heretofore.

Expedients necessary. Your Majesty may remember that the original Foundation of the Monarchy was the great Territory of Land possess'd by the King: but your Majesty is also sensible there are but very small Remainders of this Territory in your present Possession; even the very accidental Additions of Lands to the Crown have been alienated to the Favorites of the *Scotish* Line: So there is need of an Expedient now as much as ever for the Support of the Monarchy.

Be pleas'd therefore to review the Expedients of former Princes, and see if any of them be suitable to your particular Circumstances, or proper for your Majesty to depend upon for the Support and Glory of your Throne. And,

That of the Church-party consider'd. As for the Church-party which was the darling Support of the *Scotish* Line, it is so much worn out by a Succession of three Kings, that 'tis very weak and feeble at present. The Craft of the Priest, which consists in framing such Interpretations of Holy Scripture as serve an indirect Interest, was never discover'd so much as of late, and no Person has so much contributed to the Discovery hereof as your own self; who by the Revolution you have lately made have revers'd all the Political Divinity which the Clergy have been propagating since the Reign of King James the First. 'Twas the Church-Clergy and Party who by their Preaching and Voting oppos'd the Bill for excluding James Duke of York, a known Papist: 'Twas this Party who impos'd upon the Nation the Doctrine of Passive Obedience to a Tyrannical King upon pain of eternal Damnation: They always avow'd the Divine Right of a Lineal Succession to the Crown (by which your Majesty is excluded) and that all Kings are of God's (not the Peoples) making. From these Principles some of 'em openly refus'd to swear Allegiance to your Majesty; and those of them who yield a passive Conformity to your Title and Government, have been found in several differing Stories about the Ways and Means whereby they satisfy their Consciences in this matter. Some have alledg'd, that your Majesty having conquer'd us, they may lawfully submit to a Usurpation which cannot be avoided, and is settled by Success; but all of 'em know that your Majesty can make Bishops and Deans *de facto*, and therefore they will not question the *De facto*-ship of your Prerogative Royal. But it cannot be expected that the Clergy, who have usually requir'd the Peoples Submission to their Sentiments under the pain of Damnation, should upon this Revolution be contented to cry *peccavi*, and openly recant all their former Doctrines of Divine Polity by a hearty active Conformity to your Majesty's rightful Title and Government. For this reason it is you have receiv'd so little respect from the Body of the Clergy, tho we have receiv'd all that we enjoy from you.

The Dissenters Lovers of his Majesty. But yet suppose the Church were willing to exert it self in your Service, its Influence is not at present so powerful as it has been; for by meddling so much in State-Affairs she has lost (in great measure) her former Reputation: Nor has she near so numerous a Party as formerly she had; for all the Deists, Socinians, and Latitudinarians own no such Church-power at all. The Presbyterians, Independents, Baptists, and Quakers, tho they have their several Forms of Church Government, yet are no Friends to that publickly establish'd. But they are all unfeigned Lovers of your Majesty. Bigotry likewise has lately suffer'd a great Diminution, and Incredulity is strangely increas'd, and almost become fashionable. Thus the Authority of the Church is forc'd to submit to the Reason of Mankind; and all those who are dutiful to your Majesty, are averse to the Homilies of the Church, because they exclude you from all Pretence of Right to the Crown you wear: So that the Toleration granted by your Majesty has done you more service than Uniformity can ever do.

The Court Party consider'd. As for the Court-party, 'twas never esteem'd to be any more than an Auxiliary to the Church for the Support of King Charles II. in whose Reign too it was discover'd, that after a Catalogue of Court-Pensioners was publish'd from the Press, the Complexion of his Parliaments was very much chang'd. And, if at any time such

a List should be printed, the People of *England* would refuse to give their Votes for them in the next Election of a Parliament, and in their stead will elect Members of a contrary Temper: People commonly run out of one Extreme into another; and when they reject a Courtier, they will probably chuse a morose-humour'd Man in his place.

It must be allow'd that it has the face of a politick Expedient to adopt Men of known Integrity and Love to their Country into the Court-party; for hereby the Hearts of the People will be for the present gain'd to the Court: tho these Patriots being endu'd with a ductile Temper, will soon become conformable to the nature of the Court. This very Expedient has for a time done good service to your Majesty's Affairs both at home and abroad. But I think it ought to be consider'd only as a Cordial, which for a short time may revive a languishing man's Spirit, but yet ought not to be depended upon as a constant Support of Life. And as for these new Whig-Courtiers, they will raise the Expectations of all Men to hope for a steady virtuous Administration. But when this reputed Patriot shall accommodate his Discourse to the old Stile of the Court; when he shall insinuate such Notions to his old Acquaintance, the Baseness and Unworthiness whereof his old Friends had heard him frequently detest all his days in which he was unprefer'd, this new Courtier soon loses all his Credit and Interest with his old Friends, who refuse to follow the Decoy-Duck into the Net.

But this is not all the Mischief which attends this Project of a Whig-Courtier, but a personal loss of your own Reputation is actually the Consequence hereof: for as long as the Court was made up of Tories, the People were willing to excuse your Majesty, and lay the faults of Male-administration upon the Tory-Court, saying, That the old Tools would still do no other than the old Work. But when a Man of known Honour, Integrity and Love to his Country, upon getting a Preferment shall change his former note, do Violence to himself by changing his avow'd Principle, and thereby losing all the Reputation which his former Virtue had gain'd him, every Man will be apt to conclude that this new Courtier is encourag'd to do this by some higher Power, if not engag'd thereto by the fear of losing his Place or Pension. And when the People of *England* shall come to know that as surely as a Landman who is employ'd at Sea will turn Seaman, a Patriot employ'd in the Administration will turn Courtier, they will begin in earnest to think of such a Form of Government as can subsist without a Court.

And having said this, I cannot forbear telling your Majesty my Thoughts concerning a Commonwealth Party, which has been much talk'd of in *England* during the Reign of King *Charles* the Second, and has not quite been forgotten at any time since.

A great Veneration for Monarchy has been frequently made use of by Men to recommend themselves to the particular Favour of our Kings of *England*; and when real Occasions have been wanting to recommend their Affection for Monarchy to the notice of the King, a mere fantastical imaginary Fear of a Commonwealth has been made use of: hence they have been persuading our Sovereign Princes that a great number of their Subjects have form'd themselves upon Commonwealth Principles, and are still waiting an Opportunity to extirpate the Monarchy, and to introduce into its place a Republican Form of Government. But your Majesty has seen this fantastical Opinion sufficiently confuted: For those who were the suspected Commonwealths-men join'd heartily together in preserving the Monarchy, by voting your Majesty (then Prince of *Orange*) into the *English* Throne, in opposition to those Adorers of Monarchy who were setting up a Regency; who had they put the Kingly Power into the hands of a Committee, had founded a Commonwealth, or something very hardly to be distinguish'd from it. But to proceed from matter of Fact, to reason freely upon this matter. I cannot suppose any man who has the use of his Reason, and lives under a Monarchy, to be fond of a Commonwealth, if all the Ends of Government are answer'd by the settled Monarchy. So in *Holland* he would be thought to have lost the use of his Reason, who should hazard his Life by endeavouring to introduce a Monarchy there, where all the Ends of Government are perfectly answer'd by the establish'd Form of a Commonwealth. The End of all Governments is the common Good of the People; and if that great End be attained under any establish'd Form, he is fit only for a Mad-house who will endeavour to pull down the establish'd Form only to introduce a new one. And a

The English
Constitution
on answers
all the Ends
of Govern-
ment.

Party of such mad men as these can never be sufficient to raise a Jealousy in any Government which is under an upright Administration. Tho it must also be acknowledged, that as corrupt Prelates make way for a Presbyterian Government in the Church, so a corrupt Court-Party may occasionally introduce a Republican Form of Government into the State. Besides, there is no Man who understands the political Structure of the *English* Monarchy, but will find it so agreeable to the Interest of a free People, that nothing can be added to it to render it more perfect: And it is particularly manifest, that all the Advantages which may be suppos'd to arise from a Commonwealth, may be as freely and fully deriv'd from the Temper of the *English* Monarchy; as may thus appear.

If any Man would know what is the Constitution of the Government under which he lives, there are but two things to be done in order thereunto. 1. He may consider the nature of Sovereign Power in relation to all those particular integrating Parts out of which it is form'd and compos'd: And 2. it will be also needful to consider in what Persons these integral Parts of Sovereign Power are vested and lodged. For every independent Government comprehends a Sovereign Power within it self, and is specify'd by the different Lodgment of the Parts of that Sovereignty.

Now the integrating Parts which compound Sovereign Power are these:

The inte-
gral Parts
the Sove-
reign Power
is made up
of, are six.

1. Legislative Power, or Authority to make Laws.
2. Executive Power, which consists in creating Officers to execute the Laws, and discharge all the Functions of the Government according to Law.
3. A Power of making War and Peace.
4. A Power of raising Mony for Support of the Government either in War or Peace.
5. The last Appeal in all Cases of Law. To which may be added,
6. The Power over the Mint.

Three of
these Parts
are in the
King.

And of these six Parts of Sovereign Power, 'tis notorious that there is but one Moiety lodg'd in the Person of the King of *England*, viz. The Executive Power, the Power of War and Peace, and the Coinage. And of these three Branches of Royal Power, the Executive (which is the greatest) is so limited, that the King cannot employ any Man in Civil or Military Office under him, but such a one who is qualify'd by Laws of the Peoples making. And tho the Power of War be vested in the King, yet the Commons have reserv'd to themselves the Power of raising Mony, without which no War can be carry'd on. As for the Coinage, 'tis only an honorary Trust, rather than any real Power. But in the Legislature (which is the greatest point of Sovereign Power) 'tis certain that the Commons have their share, insomuch that no Law can be enacted without their Authority. And they also having the power of opening the Purse of the Nation, 'tis certain that no War can be carry'd on without their Consent. The last Appeal in Suits of Law is usually made to the House of Lords.

Church-
arts in the
last four
Reigns to
ruin the
Constitu-
tion.

And as long as this happy Constitution shall be preserv'd from the Power of Violence and Fraud, I cannot tell what to wish for which may be of greater Advantage to the People of *England*.

But yet nothing is more notoriously known than that in the four last Reigns many Church-arts and Court-practices were us'd to break in upon this happy Constitution, by raising the Power of the King above what it ought to be, and by reducing the Commons to a narrower Compass of Power than what of right belongs to them. And 'tis also very well known, that whosoever have shewn their Resentments hereupon, have been represented as Commonwealths-men and Antimonarchical. But tho these Men were declar'd Enemies to the *Turkish* and *French* Forms of Monarchy, 'twas very visible that they were the truest Lovers of *English* Monarchy, because their Behaviour provok'd only that sort of Men who were promoting such Principles and Practices as tended to change some part of that Constitution. Upon the whole matter a Commonwealth Form of Government can never be receiv'd among us in *England*, but only as the last Refuge, when the Church-party and Court-party have, thro Corruption, subverted the admirable Constitution of *English* Monarchy. But to return from this Digression: Since Priest-craft and Court-craft have been of late so much discover'd; since Bigotry of late days is grown out of request; since the unbigotted People are more dutiful to your Majesty than the Bigots are; and since the common People

of

of *England* are more firm and trusty than a Court-party, I cannot but think that

A *Real Popularity* would be a better Expedient than a Church and Court-party join'd together can be: for as to the Expedient of a *Standing Army*, 'tis certain, that besides its own intrinsic Insufficiency, *Lewis* the present *French King*, and *James* the last of *England* have render'd it odious. It stinks in the Nostrils of all freeborn Men, and can only be an Expedient to set up a Commonwealth. But 'tis plain that

Real Popularity the best Expedient.

A profess'd Regard to the Commonweal of the People of *England* steddily pursu'd, did raise the *English* Monarchy under the Administration of *Q. Elizabeth* (of blessed Memory) to as high a degree of Glory as it ever attain'd when it stood upon its natural Foundation. Nor is any Expedient so proper for your Majesty to use as this. For,

1. Upon this Foundation the Glory of your Illustrious Ancestors was built. And, *The reason of it.*

2. Hereby your Majesty was recommended to the just and rightful Possession of the Crown, which at present you adorn. Party-taking, Party-making, or Partiality of all sorts overthrew King *Charles* the First, shook the Throne of King *Charles* the Second, and overturn'd the Monarchy under the Administration of the late King *James*, which by your Majesty's Affection to the People of *England* was restor'd, and by the same means is still preserv'd, and may be advanc'd to as high a pitch of Glory as ever heretofore it had gain'd. For hereby,

1. All the true Ends of Government will be fully answer'd.
2. All Factions and Parties will be sunk and forgotten; there will be no Whig nor Tory, no Jacobite, no Church-party, Court-party, nor Country-party: for the Interest of Court and Country will be one and the same, which has not been known since the Death of Queen *Elizabeth*, and therefore will be wonderfully pleasing for its Novelty, as well as for its Profitableness.

3. Virtue and Honesty, which have been much decay'd of late years, will be encourag'd and restor'd. For no Man can pretend to recommend himself to your Royal Favor, but by advancing the Design which your Majesty openly does encourage.

4. Hereby your Majesty will gain such a Credit with your People, as by virtue thereof very much to increase the Wealth and Strength of the Nation in a short time. And your Majesty's Revenue must necessarily bear a futable proportion to the Trade of your Subjects; so that he who commands the Trade of the World, will consequently command the Wealth of the World. And,

5. Hereby you may be able to follow the two great Maxims of Queen *Elizabeth*'s Reign, which were,

1st. To be the Head of the Protestants all over the World. And,
2^{dly}. To keep the Ballance of *Europe* equal and steddy.

And thus the Glory of the *English* Monarchy under your Majesty's gracious Administration will be the Terror of others, and the Delight of all *English* People; which is the sincere Desire of

Your Majesty's most faithful, dutiful

and humble Subject and Servant.

The

The Danger of Mercenary Parliaments, first printed in the Year 1698.

1. **S**EVERAL Treatises have been formerly written, and more (I doubt not) will be in this Juncture publish'd, with Directions and Informations to the People of *England* for chusing fit and proper Representatives for the ensuing Parliament, wherein sufficient notice will be taken of the Failures and Defects of several who have already been entrusted in that Service, and the due Qualifications of such who are now to be elected. I shall therefore confine my present Thoughts only to one particular Head, which yet, in my Opinion, seems to involve in it the inevitable Fate of *England*, which wholly depends upon the choice of Members in the next Session of Parliament: I mean *the choosing or refusing of such Persons who are now possess'd of any Places and Preferments, depending upon the Gift and Pleasure of the Court.* If herein my Endeavours prove unsuccessful, I shall have nothing left but the satisfaction of my own Conscience to support me under the deplorable Consequents and Effects which must necessarily attend the choice of a House of Commons, fill'd with Officers and Court-Pensioners. This is the last struggle and effort the People of *England* have left them for their Properties; and should we now miscarry in this, we may sit down and idly shew our Affections for our Country, and fruitlessly bewail the Loss of our Liberties, but shall never meet with another Opportunity of exerting our selves in its Service. That I may therefore set the Minds of People right in this Particular e'er it be too late, I think it will be only necessary to shew the danger of chusing Members that are in Places from two Considerations: First, From the nature of such a Parliament consider'd in it self: And, secondly, From what has already been done by Parliaments so qualify'd. In both which I shall be very brief, and content my self with much fewer Arguments than might be urg'd upon this Subject: For I should almost despair of being surviv'd by the Liberties of *England*, if I could imagine there was a necessity of saying much in a case not only of such irresistible Evidence and Demonstration, but also of the utmost Concern and Importance to us.

*Chusing of
Persons in
Offices to
be Parlia-
ment-Men
consider'd.*

*Nature of
a true Par-
liament.*

2. First then, We shall best be able to understand the nature of such an ill-chosen Parliament, by comparing it with a true one, and with the original design of Parliaments in their Institution. I hope it need not be told that they were at first intended for a Support to the King's just Prerogative, and a Protection to the Subjects in their as just Rights and Privileges; for maintaining all due Honour to the Executive Power, and all suitable Respect and Encouragement to those who are intrusted with the Administration of the Laws; for a Poise and Ballance between the two extreme contending Powers of absolute Monarchy and Anarchy; for a check and curb to insolent and licentious Ministers, and a Terror to ambitious and overgrown Statesmen; for giving their Advice to his Majesty in all matters of Importance; for making necessary Laws to preserve or improve our Constitution, and abrogating such as were found burdensom and obsolete; for giving the King Money for defraying the Charges and Expences of the Government, or maintaining a necessary War against Foreign and Domestick Enemies; for examining and inspecting the publick Accounts, to know if their Money be apply'd to its true Use and Purposes: In short, for the best Security imaginable to his Majesty's Honour and Royal Dignities, and the Subjects Liberties, Estates and Lives.

*Of an ill-
chosen one.*

3. This being the nature and true design of a Parliament, let us now see whether a House of Commons, full of Officers and Court-Pensioners, will answer those noble and laudable Ends of their Constitution. And here indeed I begin already to be asham'd of my Undertaking; the proof of the Negative is so ridiculous, that it looks

looks too much like a Jest to ask any one in his Wits, Whether a Parliament fill'd with Delinquents will ever call themselves to an account, or what account would be given if they should? Whether an Assembly of publick Robbers will sentence one another to be punish'd, or to make Restitution? Whether it is possible our Grievances can be redrest, that are committed by Persons from whom there is no higher Power to appeal? Whether there is any hope of Justice where the Malefactors are the Judges? Whether his Majesty can be rightly inform'd in Affairs relating to himself or the Publick, when they are represented to him only by such Persons who design to abuse him? Whether the publick Accounts will be faithfully inspected by those who embezzle our Mony to their own use? Whether the King's Prerogative can be lawfully maintain'd by such who only pervert it to their own sinister Ends and Purposes? Whether a Parliament can be a true Ballance, where all the Weight lies only in one Scale? Or, lastly, Whether a House of Commons can vote freely, who are either prepossess'd with the Hopes and Promises of enjoying Places, or the slavish Fears of losing them? Methinks it is offering too much Violence to human Nature to ask such Questions as these; I shall therefore leave this invidious Point.

¶ Yet lest still any should remain unsatisfy'd, or lull'd into a fond Opinion, that these Mischiefs will not ensue upon the Elections they shall make, I shall farther endeavour to convince those who are most mov'd by the force of Examples, by coming to my second Particular, and shewing how Parliaments so qualify'd have all along behav'd themselves. And here I must confess there are not many Instances to be given, the Project of corrupting Parliaments being but of a late date, a Practice first set on foot within the compass of our own Memories, as the last and most dangerous Stratagem that ever was invented by an encroaching King, to possess himself of the Rights of a freeborn People; I mean K. Charles II. who, well remembering with how little success both he and his Father had made use of open Arms and downright Violence to storm and batter down the Bulwarks of our excellent Constitution, had recourse at last to those mean Arts, and underhand Practices, of bribing and corrupting with Mony those who were intrusted with the Conservation of our Laws, and the Guardianship of our Liberties. And herein he so well succeeded, that the Mischiefs and Calamities, occasion'd by that mercenary Parliament, did not terminate with his Life and Reign; but the Effects of them are handed and continu'd down, and very sensibly felt by the Nation to this very hour. For it is to that House of Commons the formidable Greatness of *France* was owing, and to their account therefore ought we to set down the prodigious Expences of the late War: It was by those infamous Members that Mony was given to make a feign'd and collusive War with *France*, which at the same time was imploy'd either in subduing the Subjects at home, or oppressing our Protestant Neighbours abroad: It was this Venal Parliament in effect that furnish'd the King of *France* with Timber and skillful Workmen for building Ships, as well as expert Mariners, and a prodigious quantity of Brass and Iron Cannon, Mortar-pieces, and Bullets from the *Tower*; by the help of which our own treacherous King was able to boast publickly, and thank God, that he had at last made his Brother of *France* a Seaman: By this means the Honour of *England* was prostituted, and our natural and naval Strength betray'd, with which, like *Sampson*, we should easily have broken all the Cords that *Europe*, or the whole World could have made to bind and enslave us, had not this Parliament made a Sacrifice of all to the Charms of a *French Dalilah*. To this profligate and villanous Reign we are to ascribe the loss of all the considerable Charters of *England*, the deaths of our best Patriots, the encouragement and almost establishment of Popery, the decay of Trade, the growth of arbitrary Power, the ill effects of dishonourable Leagues, the shutting up of the Exchequer, the progress of all sorts of Debauchery, the servile Compliances at Court of a rampant Hierarchy in the Kingdom, the insolent Deportment of the inferior Clergy both in the Universities and elsewhere, their slavish Doctrine of Passive-Obedience and Non-resistance; in short, a general depravation of Manners, and almost utter extirpation of Virtue and moral Honesty. These and all the other Mischiefs of that Reign are justly chargeable to the account of that pension'd Parliament, who either were the immediate Authors, or the undoubted Causers of them: who, tho they sat long and often, and could not be ignorant of our deplorable Condition, yet having their Eyes blinded with the dust of Gold, and their Tongues lock'd up with Silver Keys, they durst not cry out for the rescue of their Country, thus inhumanly ravish'd in their very presence. It will not consist with my design'd Brevity,

Corrupting
of Parli-
aments
but of late
date.

Instance in
K. Ch. II.

French
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nor

nor is it here necessary to give the Reasons that induc'd the Court to dissolve that Parliament; nor shall I take any further notice of their great and fortunate oversight in doing it, nor of their unfeign'd Repentance afterwards for it: I shall only observe, That if the Nation had been so senselessly stupid to have chosen the same Members a second time, who were Pensioners in the foregoing Parliament, we had long ago suffer'd the dismal Consequences of our Folly and Madness in such a Choice; nor should we now have had this liberty to warn one another against splitting upon the like Rocks, and falling down the same Precipices. But they were wiser in those times, and the consideration of the dreadful Shipwreck they had so lately escap'd, made them chuse Pilots of a quite contrary Disposition, who, as far as in them lay, and as long as they were permitted to sit at the Helm, repair'd the shatter'd Vessel of the Commonwealth, restor'd its Honour, reviv'd its drooping Genius, gave force to its Laws, countenance to its Religion, and, in a great measure, reduc'd our banish'd Liberties, and expos'd the Persons who sold them to the universal Hatred and Reproach of their Fellow-Subjects; a Punishment indeed infinitely less than they deserv'd for the highest Crime a Member of Parliament is capable of committing.

Instance in K. J. II. 5. As for King *James's* Reign, tho it was notoriously guilty of the Breach and Violation of most of our fundamental Laws, which sufficiently justifies our Carriage towards him, yet cannot we say that his Mismanagement is to be ascrib'd to the corruption of any Parliament sitting in his time. 'Tis true indeed, he reap'd too much advantage from the Conduct of the brib'd Parliament in his Brother's Reign, and us'd all possible Endeavours to procure such another for himself, well knowing it to be the most effectual means for carrying on his ruinous and destructive Projects; yet either from the unshaken Constancy of the People, or want of dexterity in his Ministers, he was altogether defeated in his Expectation.

Nation's Expectation not answer'd by the Revolution. 6. This miserable disappointment of King *James's* hopes made way for our late glorious Revolution, which was brought about by the hearty Endeavours, and accompanied with the most unfeign'd Vows and Wishes of all true Lovers of their Country, who from hence expected a full deliverance from their present Miseries, and a sure remedy for their future Fears: For what Happiness might not the People well hope for under the Government of the best of Kings, supported by the best of Titles, viz. The general Consent and Election of his People? We were fill'd with golden Dreams not only of a bare security for our Estates and Lives, but an inexhausted affluence of all manner of Blessings a Nation is capable of enjoying. But tho we have dreamt the Dreams, yet have we not seen the Visions. And tho the Nation is by this time sadly sensible how wretchedly they have fallen short of their expected Happiness, yet are they not at all acquainted with the true Spring and Fountain from whence all their Misfortunes flow, which is indeed no other than that bare-fac'd and openly avow'd Corruption, which, like a universal Leprosy, has so notoriously infected and overspread both our Court and Parliament. 'Tis from hence are plainly deriv'd all the Calamities and Distractions under which the whole Nation at present groans: 'Tis this that has chang'd the very Natures of *Englishmen*, and of Valiant made them Cowards, of Eloquent Dumb, and of honest Men Villains: 'tis this can make a whole House of Commons eat their own Words, and countervote what they had just before resolv'd on: 'tis this could summon the mercenary Members from all quarters of the Town in an instant to vote their Fellow-Criminals innocent: 'tis this that can make the Parliament throw away the Peoples Money with the utmost Profusion, without enquiring into the management of it: 'tis this that put a stop to the examination of that scandalous Escape of the *Thoulon* Fleet into *Brest*: 'tis this that has encourag'd the mismanagements of the Admiralty, in relation to the loss of so vast a number of Men of War and Merchant-Ships, as well as other Miscarriages, which were by all Men judg'd to proceed not from their want of Understanding in Sea-Affairs: 'tis this that has hinder'd the passing a Bill so often brought into the House for incapacitating Members to bear Offices: 'tis this that could not only indemnify, but honour a leading Member for his audacious procuring and accepting a Grant of Lands, which by the Parliament had been set apart for the publick Service; a Vote that shall stand recorded in their own Journals to the never-dying Infamy of that mercenary Assembly: 'tis this could make the same Person most confidently affirm, that he was sure the majority of the House would agree to what he was going to propose: 'tis this that could make Men of peaceable Dispositions and considerable Estates vote for a Standing Army: 'tis this that could bring Admirals to confess that our Fleet under their Command was no security,

Miscarriages in the Admiralty.

security to us: 'tis this could make wise Men act against their own apparent Interest. In short; 'tis this that has infatuated our Prudence, stagger'd our Constancy, fully'd our Reputation, and introduc'd a total defection from all true *English* Principles. Bribery is indeed so sure and unavoidable a way to destroy any Nation, that we may all sit down and wonder that so much as the very Name of a free Government is yet continu'd to us. And if by our wary choice of Members we should happen to recover our antient Constitution, we shall with Horror and Amazement look back, and reflect on the dreadful Precipice we so narrowly escap'd.

7. Fatal Experience has now more than enough convinc'd us, that Courts have been the same in all Ages, and that few Persons have been found of such approv'd Constancy and Resolution as to withstand the powerful Allurements and Temptations which from thence have been continually dispens'd for the corrupting of Mens Minds, and debauching their honest Principles. Such Instances of the frailty of human Nature may be given within these few years past, as might make a Man ever asham'd of his own Species, and which (were they not so open and notorious) ought out of pity to Mankind to be buried in perpetual Silence. Who can enough lament the wretched Degeneracy of the Age we live in? To see Persons who were formerly noted for the most vigorous Assertors of their Country's Liberty, who from their Infancy had imbib'd no other Notions than what conduc'd to the publick Safety, whose Principles were further improv'd and confirm'd by the Advantages of a sutable Conversation, and who were so far possess'd with this Spirit of Liberty, that it sometimes transported them beyond the bounds of Moderation, even to unwarrantable Excesses: to see these Men, I say, so infamously fall in with the arbitrary Measures of the Court, and appear the most active Instruments for enslaving their Country, and that without any formal steps or degrees, but all in an instant, is so violent and surprizing a Transition from one Extreme to another without passing the Mean, as would have confounded the Imaginations of *Euclid* or *Pyrrho*. All the stated Maxims, in relation to the nature of Mankind, which have been long ago settled and establish'd by Philosophers and observing Men, are now baffled and exploded; and we have nothing left us to contemplate, but the wild Extravagances of romantick Fables, the sudden Conveyances of nimble-finger'd Juglers, the inimitable Dispatches of transubstantiating Priests, or the now more credible Metamorphoses of Men into Beasts.

8. The necessity we have lain under of frequent Meetings of Parliament during the War, has taught our Managers so much Dexterity and Address in their applications to the Members of that Assembly, that they are now become consummate Masters in that most detestable Art of corrupting our Representatives, by Hopes and Fears of attaining or losing Offices and Preferments. And tho I here name Offices, yet those Offices are downright Bribes and Pensions, since they are held precariously from the Court, and constantly taken away upon Non-compliance with the Court-measures; tho I am not ignorant that several considerable Pensions were also paid out of the Exchequer to Members of both Houses: For Places could not be had for all, tho they have try'd all imaginable Arts for dividing among themselves the considerable Posts in the Kingdom: For either by splitting of Offices among several Persons, which were formerly executed by one, or by reviving such as were sunk, or by creating others which were altogether useless and unnecessary, or by Promises of Preferment to those who could not presently be provided for, they had made above two hundred Members absolutely dependent upon them. And what Points might not such a Number carry in the House, who were always ready and constantly attending with more Diligence to destroy our Constitution, than the rest were to preserve it? who represented not their Country but themselves, and always kept together in a close and undivided Phalanx, impenetrable either by Shame or Honour, voting always the same way, and saying always the same things, as if they were no longer voluntary Agents, but so many Engines merely turn'd about by a mechanic Motion, like an Organ where the great humming Bases as well as the little squeeking Trebles are fill'd but with one blast of Wind from the same Sound-board? Yet a few of them may in some measure be distinguish'd from those pointblank Voters, whom neither their Country's Safety, nor their own more dear and valu'd Interest, nor the persuasion of their once intimate Friends, nor fear of Reproach, nor love of Reputation could ever prevail to join in an honest Point, or dissent from a Question that carry'd in it the Violation of the Rights and Properties of the Subject. These are the Men who have persuaded his Majesty, or rather assum'd to themselves not to fill up any vacant Offices whilst the Parliament is sitting;

but to keep all Pretenders in a dependence till the end of the Session, and bind them up to their ill Behaviour, which will then be their best pretence to demand their Wages of Unrighteousness: Witness the Commission of Excise the last Session, which was su'd for by, and promis'd to above thirty Competitors, who all did their utmost to signalize their several Merits for an Office, which doubtless will be at last divided among those who have deserv'd worst of their Country. By these means they made their Numbers and Interest in the House so great, that no Miscarriage in the Government could ever be redrest, nor the meanest Tool belonging to them be punish'd: some of which they did indeed take into their own hands, which rais'd in the People a high expectation that some extraordinary Penalties would be inflicted upon them; when their design at the same time was nothing else than to protect and screen them from the ordinary course of Justice. Such is now the difference in point of Corruption between a Common Jury, and the Grand Jury of the Nation! Such a mutual Assistance and Support have they been to one another in the several Mismanagements of their Trusts; So favourable have they been to their own Creatures, and so implacable to those who have any way oppos'd their unjust Proceedings; witness their scandalous partiality in the case of *Duncomb*, which I hope to see printed at large for the satisfaction of the Publick. If it were truly represented, I am sure there needs nothing more to excite in the People a universal detestation of their Arrogance and Injustice. And yet do these Apostates pretend to value themselves upon their Merit in contriving that most destructive Project of Exchequer Bills, by which all impartial Men must either think they notoriously dissemble with us, or that they have indeed lost their Senses when they speak of publick Service; the word is so unbecoming in their Mouths, and so awkerdly pronounc'd, that they seem not to breathe in their own Element when they usurp the Name. These are the Men who have endeavour'd to render our Condition hopeless, even beyond the power of the King himself to relieve us: For tho his Majesty be deservedly lov'd and honour'd by his People for his readiness to do them Justice, and ease their Oppressions, yet can we not expect it from him whilst he is thus beset and surrounded, and his Palaces invested by these Conspirators against his own Honour and the Welfare of his Kingdoms. The only remedy therefore that remains, is, to chuse such a Parliament who lie under no Temptations, and are acted by no other Motives than the real and true Interest of his Majesty and his Dominions; a Parliament that will fall unanimously upon publick Business, and be free from those petty Factions and personal Piques which in the late Session so shamefully obstructed and delay'd the most important Service of the Commonwealth.

The unjustifiableness of such Actions.

9. If it should be pretended, that the Nation is yet unsettled, and the fear of King *James* has forc'd them upon these extraordinary Methods for their own preservation: I answer, That no Cause whatsoever can be justly alledg'd in vindication of such vile Arts and pernicious Practices. But I would further ask them, What necessity there is upon that account for their gaining such prodigious Estates to themselves in so short a time, and in so merciless a way, when the Nation was rack'd to the utmost by Taxes in a long and expensive War? Is it the fear of King *James* that has brought such a Reproach upon our Revolution, as if it needed to be supported by such mean and unjustifiable Practices? Is it the fear of King *James* that makes us content he should live so near us, or that he should be maintain'd at our own Charge of 50000 *l. per annum*? Or has not rather King *James* been made the pretence for the unwarrantable Proceedings of our Conspirators during the War and since the conclusion of the Peace? It is very strange that King *James*, who is but their Jest in private, should be thus made their publick Bugbear to frighten us out of our senses like Children; so that King *James* must be at last our ruin abroad, who could not compass it by all his Power and Interest at home. And in this sense I am of their Opinion, that we are not yet quite deliver'd from the fear of King *James*, who must be made the Instrument of our Slavery by those very Persons who pretend their greatest Merit to consist in delivering us from him. But what is this but making the old abdicated Tyrant a Footstool to ascend the Throne of absolute Power, and a Scaffold for erecting that proud and stately Edifice from whence we have so justly tumbled him down headlong? But 'tis to be hop'd the Nation will be no longer impos'd on by such stale Pretences as these, and that a well-chosen Parliament will not fail to pass their severest Censures upon those who would thus jest us out of all that is dear and valuable amongst us: That they will no longer resemble a Flock of Sheep (as *Cato* said of the *Romans* in his time) that follow the Bell-weather,

weather, and are contented, when all together, to be led by the noses by such whose Counsels not a Man of them would make use of in a private Cause of his own: That they will at last vindicate the Honour of *England*, and imitate their wise Ancestors in hunting down these Beasts of Prey, these noxious Vermin to the Commonwealth, rather than suffer themselves to be led in Collars and Couples by one mighty *Nimrod*, who upon the turning up of his Nose shall expect a full Cry of sequacious Animals, who must either join Voices, or be turn'd out of the Pack.

10. Notwithstanding what I have said, I would not have any of them either really imagine themselves, or falsely suggest to others, that I envy them their Places and Preferments; which I am so far from doing, that I wish they rather had them for the term of their Lives: I desire only they may be subject to the Laws, and to some Power on Earth that may call them to account for their Misbehaviours, that they may not be their own Judges, that our sovereign Remedy may not prove our chief Disease, and that the Kid may be seeth'd in something else than its Mother's Milk. Nor would I by any means deny them their Seats in Parliament, provided they are in a condition to speak and act freely, and discharg'd from those Temptations which I find they have not Constancy enough to withstand; for after all, I still believe many of them so honest, that nothing but Money or Preferments will corrupt them. But if nothing will satisfy them but the downright Subversion of our Constitution; if they will be content with nothing but the utter abolishing of all Laws, and the rooting up of those Fences and Securities provided by our Ancestors for the preservation of all things that are sacred and esteem'd among Mankind; it is high time for the Electors to look about them, and disappoint their unreasonable and exorbitant Hopes, and to spew them out as detestable Members of the Commonwealth; not only as unfit to be trusted with their Liberties, but as unworthy to breathe in the Air of a Free Government.

11. If any should say, That the alterations in Elections will stand us in no stead, since whoever are chosen will still be bought off and brib'd with Court-Preferments: I answer, it will require a considerable time to new-model and debauch a House of Commons, nor can it be done but by displacing all those who are already possess'd, to make room for these New-comers, which will make the Trade and Mystery of Bribery more plain, and consequently more abhor'd. And since no Parliament can now sit above three Years, the Court will meet with fresh Difficulties to interrupt them, which may possibly at last make them weary of these Practices. 'Tis true indeed, this Consideration ought to make us more circumspect in our Choice of Members, for tho we should chuse but an inconsiderable number of Pensioners, yet they will soon be able to work over a majority to their side: so true is the Saying, *A little Leaven leavens the whole Lump*. Whoever therefore out of any particular Friendship, or other Motives of Fear or private Interest, should vote for any one Person so qualify'd; let him consider, that as much as in him lies, he makes a Complement of all the Liberties of *England* to the insatiable Avarice and Ambition of Statesmen and Court-Ministers. Since therefore we have so narrowly escap'd our Destruction, and one Session more of the last Parliament would infallibly have ruin'd our Constitution, we cannot surely be so grossly overseen as to neglect the Opportunity now put into our hands for avoiding the like hazards in time to come; which may easily be done, if the Freeholders and Burghers in *England* will petition and ingage their Representatives to consent to a Bill which shall be brought into the House, to incapacitate all Members for holding Offices and Preferments: or if it should be thought too much to debar them altogether from the Enjoyments of Posts of Honour and Advantage, let them keep them during good Behaviour, and not otherwise; that such Places may not be reserv'd in store for those who shall be from time to time elected, and thereby a continu'd course of Corruption be carry'd on successively thro the whole Nation, who will in a few years insensibly find themselves so universally infected with this insinuating Vice, that we shall be thorowly ripe for Destruction, and readily expose to sale the Liberties of *England* by Auction to the fairest Bidder. If it was deservedly thought one of our most dangerous Grievances, that the Judges, who only declare the Law, should hold their Places *ad beneplacitum*: what Condition must we be in when our Law-makers themselves are subjected to the same Temptations? Or what Advantage have we got by having our Judges Commissions for Life, when our very Legislature it self is prostituted to Bribery and sordid Gain? The fortune of *England* is now brought to the nicest Point, and there are critical Seasons, which if neglected, will never again be offer'd; and should we now fail in our Duty to our Country, we shall assuredly

No Security against Corruption of Members.

The dangerous Grievances.

The Advantages
of Disinterested-
ness.

fall unpitied by the rest of the World. But if on the other hand we can by our Foresight and Diligence prevent for the future the bribing and corrupting of Parliaments, it is not to be imagin'd what Security, what Happiness, and what immortal Reputation will be the never-ceasing Concomitants of such a Settlement. If the very Rump of a Parliament, even in the midst of domestick Discontents, and beset on all sides with foreign Assaults and Invasions, were able by that one self-denying Act to maintain the publick Welfare from the Danger of inward Convulsions at home, and violent Concussions from abroad; if that small and broken number without any Head, and under so many Disadvantages, could by this only means secure our Peace, and so widely extend the Repute and Honour of the English Name; what Country or what Region could ever give Limits to the unbounded Reputation of a full and legal Parliament so nobly qualify'd? What Nation could there be so powerful as to resist our Forces, or so politick as to infatuate our Counsels? There is nothing within the compass of human Wishes that we might not assure our selves from the Wisdom and Virtue of such a disinterested Assembly, headed and encourag'd by the most auspicious Prince that ever yet sway'd the English Scepter: A Prince who only waits the Opportunity of our own Willingness to be happy, and is fir'd with a longing eagerness to see the Nation deserve the glorious Effects of his inimitable Conduct, and inexhausted Beneficence; who only wishes a happy Conjunction of a free and unbiass'd Parliament, that he might join with them in the rescue of himself and us from the Oppression of those devouring Harpies, who would tear off the yet green and flourishing Laurels from his Majestic Brows, and ungratefully cast a tarnish upon the Luster of his bright and shining Atchievements: That he might dissipate those inauspicious Vapors which have hinder'd him from breaking out in the height of his meridian Glories, and intercepted his benign and noble Influence upon his inferior and dependent Orbs: That he might deliver up to Justice those traitorous and insinuating Parasites, who endeavour to inspire into his sacred Breast an unworthy Jealousy of his People, as if he wanted the assistance of a Standing Army to secure and establish to himself that Throne which he has already so firmly erected in the Hearts and Affections of his Subjects: And lastly, that he might wholly discharge himself of those wretched and perfidious Statesmen, who endeavour to fix the brand of their own acquir'd Infamy upon their Master, that they may make him as hateful to one Party for their Vices, as he is already to another for his own Virtues, and deprive him of the glorious Title of the World's greatest Benefactor, which he has so justly purchas'd to himself by his immortal Performances.

12. I shall conclude with one word, in answer to such who may possibly think I have reflected too much upon the supineness and base neglect of the People of England; as if it were possible they could be such monstrous and unnatural Self-murderers, as to give away with their own Breath and free Consent all their Rights to their Estates and Lives. I confess I should be glad to find my Labour lost upon this account: But I desire such to consider, that there are many honest and well-meaning Englishmen who do not distinguish between our present Government, and our present way of Governing; whose distance from the Parliament, multiplicity of Business, or other Circumstances in the World, render them less able to penetrate the Designs that are now carrying on for the total Subversion of our most excellent Constitution. And it is plain on the other hand, that the great and unwearied Diligence of the present Conspirators against our Government, in order to support their future Elections, does infer their Thoughts, that the Majority of the Electors are capable of being impos'd upon in this gross and unexampled manner. Since therefore those who are making us Slaves, think it no great difficulty to effect their Purposes, I see no reason why I ought to be so tender as to forbear expressing my Fears and Apprehensions of their Success.

Confide-

Considerations on the Nature of Parliaments, and our present Elections.

Publish'd in the Year 1698.

IT is amazing that a People so zealous for their Liberties, should neglect the natural, safe, and certain way of securing them, when they have often had recourse to the most violent Remedies, and have run the utmost Hazards to secure their Property. This is the only Country in Europe that enjoys any freedom under a King, and it mortifies any thinking Man when he considers in how many successive Reigns our Constitution has been aim'd at, how precariously we hold it now, and how often the Opportunities of a secure Establishment have been trifled away, when obtain'd by the boldest Attempts that were made successful by an apparent Providence.

As the Restoration of King Charles II. so the last Revolution was the Work of the People of England; nothing could have brought it about in so miraculous a manner, but the Weight of the whole Nation in opposition to the Conspirators against our Constitution. And if the succeeding Parliaments (which are call'd the Representatives of the Nation) have not establish'd by proper Laws those Liberties, and that Government for which the People drew their Swords, it must be concluded, those Assemblies did not truly represent that People.

Whether they have done so ought well to be consider'd; and if they have not, to find where the Fault lay, were a useful Discovery: And it is highly necessary that the Boroughs of England should be well apprised of the present Circumstances of Affairs, and of the Sentiments of Mankind at this time; that by a proper and discreet choice they may secure at once the Happiness of their Country, and their own Reputation, which are both in danger.

The Opinion of the universal Corruption of this Age cannot be conceal'd; it is made evident by those that Elect, by those that are Elected; buying Elections, and selling of Votes, are Consequences. And if this should appear to be the present Case, such a House of Commons cannot pass for a Representative of the People, but a Representative of a few dissolute, mercenary Persons, possess'd of Voices in the Boroughs of England. The Consequences of such Thoughts they will do well to consider: which must induce all true Englishmen (at a proper time) to seek other Methods of being better represented.

When I speak of a natural, safe and certain way of preserving the Liberties of England, I mean the securing a free uningag'd House of Commons, consisting of the Rich, Honest and Able Men of the Kingdom. When the Ballance of the Government went out of the hands of the Nobility and the Churchmen, if a sufficient Provision had been made for this, how happy had we been, and what Mischiefs and Dangers had been prevented to this Nation? From Henry the Seventh to this time, our Annals had contain'd the Names of Princes on the Throne fit to have been the Predecessors to our glorious King: But true it is, he must have lost his Title of Deliverer, as we had sav'd the Price of our Redemption; for our Constitution would have preserv'd us from those Dangers and Violences from which he came to free us, and we had not had a whole Generation conspiring for a hundred Years together (tho in different ways) against our establish'd Government, when sworn to support it. If our new Barrier had been well fortified, and if our Representative of the People had been contriv'd to answer indeed to the Name, all our Kings had been Queen Elizabeths. But our Elections in inconsiderable Boroughs, and our Members being

The Restoration and Revolution the Work of the People of England.

The Corruption of the Age.

A Free House of Commons, how advantageous.

being qualify'd to serve two Masters, were such Mistakes in our Fundamentals, that as they have produc'd our past Misfortunes, they must produce the like under bad Princes, or evil projecting Ministers.

The Advantages of a good H. of Commons.

A House of Commons chosen truly by the People, incapable of Pension and Place; and the King and Kingdom had been incapable of Misfortune: they had been out of the reach of all human Power, and, with due submission, above Fate; since such a Government would have made us the proper Objects of Divine Protection, and not only have secur'd our Greatness and Glory, but our Religion and Morals too, which I fear are all going together.

K. J. I. and the D. of B. their Arts.

In such Circumstances we should have had no cause to fear the Scottish cunning of K. James I. No King of *Scotland* could have made a *Scots* Parliament of such an *English* Assembly. Such a Monster as *Buckingham*, and upon so monstrous a foot of Favor, could never have grown to such an exorbitant size under such a Constitution: he had soon been prevented in the apparent prostitution of our Wealth, in his apparent neglect of the Honor and Interest of the Kingdom, in his apparent and treacherous dealings with the *French*, and the publick Enemies: His Iniquities had never been screen'd by a Party; in a word, he had not fallen a Victim to a private Hand.

Under such a Government his pious Son had persued the like Measures in vain: His *French* Wife, his scandalous Favorites, his unlaudable Bishops, his own insolent and unconstant Temper could never have brought him to the Block: All the Blood shed to no purpose in those Wars had been sav'd; he could never have lost his Life, nor his Kingdoms, he would only have lost his Title of *Martyr*.

A Ballance necessary.

Under so just a Ballance of Power, as the Sons would have avoided the ill Consequences of their Father's Fate, so would they probably have avoided all the *French* Infection which they receiv'd in Body and Mind: They had not receiv'd (Sons of the Protestant Martyr) the *French* Religion, and above all Contagions a *French* Inclination, the most fatal Poison that could enter the Blood of an *English* King.

K. Ch. II. Practices on the Parliament.

Such a Government would soon have discover'd the Protestant Mask K. *Charles II.* only pull'd off at his death: Such a Parliamentary Constitution would not have suffer'd the avow'd and open Apostacy of the next Heir; the Bill of Exclusion had then pass'd, and had prevented the setting up and pulling down the late King with such Hazard and Expence to the Nation. Such an Establishment would have prevented the late damnable invented Project of corrupting Parliaments (which I must mention in this place, because it began at this time) that cursed Project, which defeats all our Hopes, which poisons us in our Mother's Milk, which murders us by the hands of our Parents, which infects the only Cordial that can preserve our Being, which makes us accessory to our own Fate, betray'd by those we chuse to represent us, made Slaves by our Protectors, and given up by those elected to defend our Liberties (but of this, and the terrible Consequences I shall take farther notice.) Such a Constitution would have prevented that Inundation of Profaneness, Leudness and Immorality, introduc'd by K. *Charles II.* and his Atheistical Wits, to fit the Nation for the intended Yoke of Popery and Slavery. To that end was all Learning and Virtue exploded in his Reign, scorn of Religion, contempt of a publick Spirit, derision of Letters; and a pretending Wit above Rule, Learning or Scruples, being the sure and only Recommendations to his Favor, and publick Employments. No Government but must leave Mankind, as the Deity does his Creatures, in a state of Free-will, and therefore in an exercise perhaps of private Vices, or conceal'd Villanies: But in such a true *English* Establishment we had never seen a rampant *French* Whore openly governing our Councils; we had not seen an *English* King (well understanding Seafaring Matters) an open Instructor to his Brother of *France* in the Mysteries of Navigation, Building and Trade.

Necessity of the Concurrence of the Interest of King and People.

And to evince, as I go along, the Interest of King and People equally to subsist in a steady, good, and incorruptible Administration, the elder Brother had never died an unnatural Death in such a well regulated Protestant State, as would not have admitted of a bigotted, headstrong, Popish Successor. But let us leave this artful King, trick'd in his Tricks, outwitted by such a Brother, plotted against by his Son, unpitied by his Subjects, tho making way for such a Successor, abandon'd at last by his Bishops, and with nothing to save him from a future Account, but Extreme Unction from the Priests of the Whore of *Babylon*.

And now to the last, and in my opinion the best of the wicked Reigns; for the Project of a Standing Army under a Popish King, did but hasten our Deliverance, as did the Expedient of an Heir under a Belly of Clouts. The Son must really be got,

got, and the Army must be Protestant, I do not say really so, for the Name will do. But I shall say less of the living Prince, because of his Misfortunes. He lives, and without a Crown, which is Punishment great enough for Follies having the Excuse of Conscience, and Mistake. Yet I can hardly contain when I remember he is the Cause that all Mankind have been getting our Wealth, while our own Recompence is, that we have got rid of himself. However I forgive him all the rest, but having left behind that worst of Evils, *a Pretence to a Protestant Army in a good Reign, and in times of Peace*: and I will only lay to the charge of his Brother of blessed memory, *all the Mischiefs arising from corrupt Parliaments.*

*The Ill
a Standing
Army in
time of
Peace.*

Now to this great Point, and our most pressing Danger, and the present and future Remedies of them. I have hitherto been shewing what Violences, what Infamies, what Follies, an uncorrupted Parliamentary Constitution would have prevented; which evinces sufficiently what we have to expect in future Times, if a secure Settlement be not obtain'd under a good King against the notorious increase of Corruption in our Age. It is now come to such a height, that it may almost be said, A wise Prince must comply with it: for as in a weak and low Condition, the Physician must not apply the proper Remedies till the Patient has strength to bear it; so in our low and corrupted State, when Patriots must be hired to serve their Country, when *Whigs* go resty without Pension or Place, and begin with untimely barking against the Government in War, to conclude with prostitute bawling for it after a Peace; I say, when this is our Case, when effectual Laws have recover'd our Constitution, it must be confess'd, our Princes have an Excuse for practising the base Arts of Corruption, especially in times of eminent Danger, which allow of no Delays. This makes it plain that among Men, Lawyers must not only seek for coercive Honesty; and Legislators remembring that most necessary part of the most perfect Prayer, *Lead us not into Temptation*, should have that principally in view for King and People, that neither be led into it. No Emperor but envies the least Bird upon the Wing; but since flying is impossible, the great Vicegerents of God upon Earth are content to walk upon two Legs with common Porters; and either Kings must drop from Heaven, and then let them be *Jure Divino*, or Mankind must be Slaves, unless they provide such happy and irresistible Laws as may restrain the love of Power, as well in Kings as Statesmen. I will only desire the Example may be given me, of the best of Kings succeeding a bad one, who ever made it his Choice to give up any Authority or Acquisition, tho obtain'd by his Predecessor by means he would not have practis'd himself. Since then the Evils of bad Princes are permanent, and the good Establishments of just ones often overthrown by those that are Arbitrary, what Methods for the good of Mankind and Society, but to find Chains strong enough to bind a Tyrant, which can only be made here in *England*, when a good King with upright Ministers beats the Anvil, and uncorrupted Parliaments find Fire and Materials?

The highest Compliment I can make this King, is to say, This is the Time for so glorious a Work, and we have great reason to expect his utmost Assistance: for in truth, Deliverance and Reformation are his very Title. There is this unanswerable Argument to prove it must be now or never: Some Infections must be check'd in time, or Remedies will come too late; and I am sure we must flux now, or never expect to see a sound Nose on the face of the Government. Such a precarious Peace as we have obtain'd, is hardly a Blessing: but because it sets Parliaments at liberty to settle our shatter'd State, let no time be lost then, when we are so unsecure of its lasting. But as I would willingly give some Hints that may be serviceable at all times in the great Cause of Liberty, so I shall take notice, and that only from Observations of the last Reigns, what are the most dangerous Symptoms threatening a People with loss of Liberty: And when most of those Circumstances concur at once (any one of which does threaten Ruin) then I need not say a Government is most in danger, and that the speediest and strongest Antidotes should be provided against the influence of so many malignant Constellations join'd together.

*Reforma-
tion desir'd
now or ne-
ver.*

To begin then with what the Reign of K. James the First will afford us: The most dangerous Circumstance that could attend a Nation, was a reasonable Obligation to set upon the Throne a Prince born and bred up in another Country, who must retain a Foreign Heart, who must be partial to the People, to the Customs of his native Land; who must therefore be unacquainted with the Men, Manners, Privileges, and Laws of those Territories he is newly come to govern. This Partiality is natural, and for that reason justifiable; and therefore as it seldom happens but that Princes transplant themselves to a richer Soil (as was the Case of K. James)

*K. J. I. his
Character
and Prac-
tice.*

so

so the Wealth of the more opulent Nation must always be prostituted to raise and supply the Favorites of the poorer; and 'tis all that can be expected, that they be not rais'd by hasty and unmerited Favors: Besides, 'tis almost impossible but the Interests of the two Nations or People must interfere, if he retains the Jurisdiction of both, as this *Scotch* Prince did. How perplext must the best of Kings be in his divided Thoughts and Inclinations? and where, and to whom must Nature and Education incline him? It may happen, as in this Case, that the unforc'd Constitution of one Country allow'd a greater Power, and greater Prerogatives than were consistent with the Laws of the other. How shall the Spirit of a Prince brook the refusal of that in one place, which he was us'd to the submission to elsewhere? How can he easily change a Bent created perhaps by Nature, and confirm'd by Custom? In one Country requir'd to head Armies, in another oblig'd to encourage Fleets: In one Country Troops are the support of Mens Property, in the other they must prove the ruin of their Liberties; this distinction Princes cannot easily make. Religion too, the great Guide of Mens Actions, or at least their Pretence, differs almost in all Countries, even where it agrees in Name: and we know by bloody Experience, how little the Protestant Religion of the *Scots* did agree with our Episcopacy. Innumerable are the Mischiefs arising from such a Circumstance; but I confine my self only to what were the apparent Dangers in the Case before us.

Practice of
Ch. I.

Another dangerous Symptom appearing in the Reign of King *Charles* the First, was this, That all his Arbitrary Designs were carried on, and disguis'd under the Mask of the most precise Piety. Such impious Projects as arose from Insolence and Pride, that were carried on by breach of Faith, that tended to the effusion of the best Blood in the Nation, were always transacted in Forms, with Fasting and Prayers. As his Shipmony was maintain'd by his Judges, so were all his other Expedients to enslave the Nation preach'd for by his Church, and labor'd for by his Bishops.

K.Ch.II's
Character.

Another threatening Circumstance was, the Advantage with which King *Charles* the Second came to the Throne. The Nation was then intoxicated with Joy; and he made as ill use of that Opportunity, as *Noah's* Daughters did of their Father's Drunkenness; as they went in to him, so he got in to his People, and with all sly Arts and Corruption began the fatal (well-improv'd) Project of bribing Parliaments. And that none might have a Scruple of Conscience against this highest of Crimes, betraying their Country, Religion in his time was the Jest of his Favorites: but for himself, he had a different one ready for every Nation and sort of People he had to do with; a Papist in *France*, a Presbyterian in *Scotland*, a Churchman in *England*, a Quaker with *Penn*, an Atheist with *Hallifax*. A most dextrous practice this in all Princes that pursue it, who thus easily impose on good People willing to be deceiv'd.

Danger of
a Standing
Army.

Another certain Warning of ensuing Mischief (the very Porpoise before the Storm) is a Standing Army; which tho it prov'd unsuccessful in King *James* his Time, yet it immediately preceded his Intentions of subverting all our Laws, Human and Divine. He thought his Project as infallible as his Pope, when so many of his Troops were Papists and Foreigners; being secure too of Ships from abroad to transport more Strangers when wanted. But all this was spoil'd with one word, Popery. Heaven had in store an Antidote against a Popish Army, pray God preserve us at all times from a Protestant one.

Now having recapitulated all these Circumstances of approaching Ruin, which we so narrowly escap'd in the foregoing Reigns, what would become of us if these Difficulties should bear upon us (as in a Hurricane) all at once? Whenever they do, well may the Nation fear their impending Fate. Yet after all I say, a free uncorrupted Parliament would soon dispel these Clouds. Under such a Government as I have mention'd, King *James* the First had been compel'd to have made use of *English* Councils in governing an *English* Nation: he had been oblig'd to have provided for his *Scots* Favorites out of his *Scotch* Revenue: He had no doubt been supply'd with the Mony of *England*, but forc'd to have laid it out for the Honor and Interests of that People. Suppose the Nation prepossess'd for him as they were for King *Charles* the Second, reliev'd from long Wars, from Confusion, from *Cromwells* and Usurpers; such a Parliament would not then have sat still in idle Rejoicing, but wisely have prevented the Causes of future Mourning: Nay, give him the Standing Army of the unfortunate Prince of his Name (let it be a Protestant one too) yet such an Assembly, with their steddly Wisdom and Vigor, would have rescu'd

rescu'd their Country from all these Dangers. All I can allow, but the Circumstances of King *Charles's* corrupted Parliament: for the Incorruption of that is my only Remedy to all other Evils; when that falls out with the rest, there is nothing left but for honest Men to show the Nation the Precipice upon which they stand: And much may be expected from so brave a People, when wak'd out of their Lethargy, and well appris'd of their Danger. I shall conclude this part with the Questions of King *James* the First upon his accession to the Throne, *Do I make the Bishops? Do I make the Judges?* If to this he might have added, *Do I make the House of Commons?* To such fatal Interrogatories the Answer is too plain. K. J. I. his Queries.

Having treated (and with a Freedom an *Englishman* may well take) of the Circumstances of the last Reigns, I come to a Subject with more difficulty to be handled. What the People and Parliament have to do at present may well be gather'd from the foregoing Considerations; yet I must say something of the Revolution, and what has hapned since, were it only to acknowledg the Obligations we owe to our present King. The Oppressions and Dangers from which he reliev'd us were so grievous, and the Advantages we might have procur'd our selves by his coming were so great, that we owe him the utmost Gratitude, not to be overpaid by any thing but by such a confidence in his Virtue, as (forgetful of Times past and to come) should make us neglect the Opportunity he has given us of securing to our selves, the never being so much oblig'd to any other. This were the worst Requital we could make him, to let it be possible by our Negligence, that any Person should ever rival him in his glorious Title of *Deliverer*. What is our expectation from the Parliament.

Our present King has now the same Game he has all his Life been successfully pursuing abroad, and the same Business he has been bred up to in other Countries; but he has now other Tools to work with, a divided and corrupted People. His Declaration assures us, he came to secure our Constitution, so as no ill Prince, no evil Ministers should be able to violate it for the future. I shall not now repeat what he has done in Person towards all this; it were unnecessary Flattery to repeat Actions done in the face of the Sun: but my Business at present is to consider what has been deficient; and, as I propos'd at first, to give some Hints where the Fault lies, and how it came about that we have been expos'd to such Hazards, and are yet unsecure; and this to the end the Scene of his great Life may be perfected, and his Promises made good to us, in an Establishment secur'd against future Attempts.

I must confess I cannot wholly acquit the Convention, and other following Parliaments. I doubt all the unnecessary Hazards to which we have been expos'd, all our unsuccessful Undertakings, all the misgiven and mispent Treasure, all that is deficient, or left undone to the compleating our Security, must in a great measure be laid to their Charge. It is well known, many in Pamphlets, more in Discourse, accuse them both of Weakness and Corruption: But they should consider that such a War was what never came afore into the hands of a Parliament; the Dangers and Difficulties succeeding and increasing from Year to Year, were enough to amaze and distract the greatest Assembly. I shall be far from passing so hard a Judgment on them: my only wish is, if they have done well, that they may never do otherwise; if they have committed Errors, the like may never happen. My Ambition is their Glory; only out of Zeal to their Honor, I shall take notice of some Complaints made by others; and from my self take the liberty to say, that this ensuing Parliament made free by a happy Peace, must make the Nation so for ever, or for ever lose their Reputation.

This is the Time in which Parliaments should exert themselves for the Nation's Happiness, and their own Fame. All Mankind have observ'd, this is the second Revolution unimprov'd by Parliaments in the same Age; the one as ineffectual to the good of *England* in the hands of Patriots, Whigs and Dissenters, as the other was in the hands of Cavaliers and Churchmen: Which makes Men apt to conclude, the Fault lies in that part of our Constitution on which we most rely. And the common Reason given by all why Parliaments have mismanag'd, is, that they are so manag'd themselves: They do not only suppose them subjected to the Power of Kings, to the Influence of great Men, to the Arts of old and crafty Statesmen, but accuse them now of being led by beardless Politicians, by upstart Prentices in Business, neither supported by Fortune, Dignities or Experience, and only buoy'd up by projecting Insolence. If this were the case, to what are we reduc'd? This is not *Phaeton* unfortunately conducting the Horses of the Sun, but a Carrier driving Pack-horses and Beasts of Burden, which jog on their appointed Stages for their Pensions. Great hopes from this Parliam.

The propos'd limits of a Sheet, and not the Subject, confine me; and therefore I shall repeat but one Objection made to the Wisdom of our National Assemblies, which is, that the Members of a Convention freely chosen, brought together at this Revolution, and miraculously deliver'd from the highest Oppressions, should admit of the old Underminers of our Liberties for the new Managers of Reformation: and this I may say as to their Integrity, Who would have admitted of such Corrupters, but to be corrupted?

It may very well be said to the justification of some; When there was no Government, no Ministers, no Money, no Privy Purse, who could influence? It must be confest (and here is the fatal Error) if there was Corruption it was from within: Nay it is plain, they must bribe themselves, and only with Hopes and Expectations; they were qualify'd by the Constitution to have Places, every Fool was well qualify'd in his own Thoughts, and every Knave betray'd his Trust and his Country to make himself worthy.

Men have not only alter'd in our Times, but Parties have chang'd their Principles and Practices: If so, what Cautions can be great enough in such an Age? I come therefore to those Considerations, what wise and honest Men should do in this critical Juncture. I shall propose preventing Physick, safe, were there no present Disease, were there no Corruption in our Land, were all upright from the Lord to the Commoner; yet I doubt the Golden Age would not succeed, were all wise as Solomon, and after God's own Heart as David: we know the Follies committed by the one, and the Impieties by the other; let no Man depend too much upon himself, let no Government depend upon Men. Presumption is the highest Sin, and Prevention the highest Wisdom.

I doubt not but some will think, and more will say, I have writ a tedious Preface to a very short Treatise; that without so much Repetition, without enumerating so many Diseases, and times of Infection, I might sooner have given my short Receipt, which is this: *Good People of England, elect those to represent you this Parliament, who most probably will secure your being truly represented for ever.* In other words, *Those who have Virtue enough to incapacitate themselves from any Service but that of their Country, while they take that Trust upon them.*

Rich men to
be chosen.

Now towards making such a Choice, my Instructions shall be as short as my Advice; *Chuse Rich Men.* For you may know who are Rich, and cannot know who are Honest: One you think honest may take Money, but one that is Rich does not want it. Let no Character of Party recommend or prejudice: Poor Whigs, poor Tories, want equally Places, and will act alike to get and keep 'em; but be sure if they want Money much, they have not much Ambition. Therefore avoid the younger Sons of Lords, who full of Pride, with empty Pockets, will endeavor, at the Nation's Cost, to become rich Commoners. It is needless to advise against those whose Actions have discover'd them in foregoing Parliaments, those worst of Villains, who began like Patriots, to conclude like Parasites.

Thus I conclude, like a Quack, undertaking my Remedy shall cure all Distempers, whether they lie in the Heart or in the Brain. No matter what sort of Men conspire, whether the bold Projects (flaming like Comets in the Sky) threaten Multitudes, or whether the softer Methods, like Mines underground, work hidden Mischief. Such a National Assembly, under the Qualifications I have mention'd, would repel the *Bashaw*, and defeat the Courtier, and prove strong enough to secure us from the most dangerous Designs, those dress'd up with Zeal, and disguis'd by Improbability. Such a Parliament would secure us from *Religious Leudness, Protestant Arbitrariness, and Parliamentary Slavery.*

the good of England in the hands of Patriots, Whigs and Dissenters, as the other was in the hands of Cavaliers and Churchmen: Which makes Men apt to conclude the Fault lies in that part of our Constitution on which we most rely. And the common Reason given by all why Parliaments have mismanag'd, is, that they are so manag'd themselves: They do not only suppose them subject to the Power of Kings, to the influence of great Men, to the Arts of old and crafty Statesmen, but now of being led by baseless Politicians, by upstart Pretences in Ballads, Dignities of Fortune, Dignities of Experience, and only buoy'd up by projecting Influence. If this were the case, to what are we reduc'd? This is a Phantom-unfortunately conducting the Horses of the Sun, but a Carrier-driving Black-horses and Beasts of Burden, which jog on their appointed Stages for their

Confide-

Considerations upon the Choice of a Speaker of the House of Commons in the approaching Session.

First printed in the Year 1698.

EVERY Man who has at any time sat in the House of Commons, must be sensible, that the Choice of a Speaker is a matter of the greatest Importance with relation to the Freedom of that House: and if Liberty be there destroy'd in the Root, it cannot survive in the Branches. For this reason, as is well observ'd in the King's Declaration, when Prince of *Orange*, The evil Counsellors of the late Reign thought the surest Method to enslave us was, by undermining the Liberty of Parliaments: And one step which such evil Counsellors have always made in that execrable Attempt, has been by Places, Bribes and Pensions, to take off the Speaker, well knowing that the Freedom of that House depends in a great measure upon their Speaker, as our Laws and Rights depend upon that House.

A Man may easily foresee, that whenever Slavery shall be intirely fix'd in *England*, as it is among almost all our Neighbours, it must be done by a corrupted Parliament establishing a Standing Army: by which means this Kingdom will feel the Effects of Tyranny from that Place which ought to be the Source of Liberty. *No Slavery in E. but by a corrupt Parliament.*

Upon this Foundation my Lord *Burleigh* grounded his Maxim, *That England can never be thorowly ruin'd but by a Parliament.* And I am sure a Parliament can never be more thorowly fitted to ruin *England*, than when by the influence of many Members brib'd by Places of Profit, and Pensions, a Speaker shall in some future Reign be put into the Chair, to whom those that are his Friends can allow no other Character than Confidence and Dexterity; and that Character, those who shall then oppose him, will not deny to him.

Such a one may be granted to be an able Man; but those Abilities in that place the Nation may justly dread.

Can it with any Colour of Reason or Prudence be said, *That there is no danger, let the Disposition and Obligations of the Speaker be what they will: He is but a single Man; and besides does not determine Questions?* 'Tis true, the ablest General alone, and without Troops, is insignificant: But when regulated and well paid Forces have a bold and skilful Leader at their Head, they must conquer; especially if those they encounter be an undisciplin'd Militia just brought out of their several Counties. *Objection from the Importance of the Speaker.*

Mankind can judge of few things otherwise than by outward Appearances, which are often deceitful. This is the Cause, and may be also an excuse, if former Parliaments were disappointed in their Speaker, whose Frailty, after he was chosen, may have been overcome by the Gifts and prevailing Courtship of the Ministers of State. But surely the Majority of a House of Commons will never chuse one to be their Speaker, whom they find (if the Expression may be pardon'd) already debauch'd, and once rejected on the like Occasion.

This as it will be the first step, so is it of the highest Consequence; for an Error here, like one in War, can never be retriev'd: And undoubtedly 'twill be thought a very ill Omen of what may be expected from this House of Commons, if they should so unfortunately stumble at the Threshold.

It has been criminal formerly in a Speaker of the House of Commons to go to Court: but the Duty of the Office of a Lord of the Treasury must bring him there, and under the greatest Temptation of Compliance to every thing *Formerly the Speaker went not to Court.*

that is demanded. Nor will the ill effect this may have upon the Liberty of Parliaments stop here; for 'tis most certain that such things as are either allow'd or conniv'd at under the Reigns of good Princes, will be made Precedents under the bad.

Freedom of Speech, and other essential Orders of the House may probably be endanger'd by one who has declar'd he knows no Order but the Majority: and if he ventur'd to speak so plainly, whilst we may presume he was aiming at that Honour which some would confer upon him, how will he tyrannize with a Majority that he will either find or bring into the Interest of the Court, when he is possess'd of the Speaker's Chair?

*Different
Trusts in-
consistent.*

There are some publick Trusts, that in their nature are inconsistent with one another, and ought never to be join'd in the same Person, being design'd to be a check upon each other: and a good Man can neither with Decency nor Honesty unite such different Trusts in himself. But neither Decency nor Honesty will bound the Ambition of some Men.

*Cases objec-
ted.*

Suppose there has been the greatest Misapplication of the publick Revenues at a time when the Kingdom is under the extremest Necessity; is it probable that a Speaker will be impartial, or any way assistant to the House in an Inquiry after such Mismanagement, who was a Lord of the Treasury during the time of it?

Suppose a Gentleman was sixteen thousand Pounds Debtor to the Crown upon the Revolution, and in a particular Clause of the Act of Indemnity procur'd from the Court a Release of that Debt; Can it be expected, that in Enquiries how vast Sums have been imbezeld since that time, the Grand Inquest of the Nation will be able to make any Progress with such a Foreman?

Suppose there is a Debt growing every day upon the Nation by Seamen not discharg'd, while the Money given for so necessary a purpose has been dispos'd of for keeping up an Army that should have been disbanded pursuant to the Determination of the last Parliament upon the most mature and solemn Debates; Must not the House expect Interruptions in bringing on that matter, Difficulties in wording, and Delays in putting the Question, from one who in his Station at Court may be perhaps charg'd with advising the keeping up of the Army, and in the last Parliament was the best and most artificial Advocate against disbanding it at all?

These and many other things of the highest Importance to our selves and our Posterity, will fall under the Consideration of the Parliament in the ensuing Session; it being evident that this time of Peace is the most proper, if not the only Season for rectifying Miscarriages; the Examination and Punishment of which, it may be alledg'd, was prudent to adjourn during the War.

If a Great Officer be made Speaker, 'tis the most natural thing in the World to believe he will use the same Arts to keep his Office as he did to get it: And if it be consider'd how several Members of our late Parliaments got into the most advantageous places of Profit, whom the Court would not have seen, nor the Country felt, had they not been first Members, it must be granted that they were advanc'd not by serving the Nation, but the Court.

Let not any Man think this distinction of Court and Country Party in the House of Commons to be groundless or ill meant: for if ever a Parliament was without such a distinction, it was when a Court was without such Ministers; who instead of serving the Government, serve themselves upon it, at the Expence of their Master's Honour, and by impoverishing their Country: who instead of being qualify'd to render his Majesty great, and the People happy, seem only to be fitted to bring the King, if it were possible, into disesteem, and to make the Kingdom miserable. And whereas the Honour, Safety and Strength of the King depend upon having no other Interest than that of his People, 'tis his Majesty's Misfortune to be represented by the Actions of such Officers, as if his and the Peoples Interest were not only divided, but inconsistent. If such as these are leading Men in a House of Commons, they give just Reason to all that love *England*, and have upon Principles of Liberty freely expos'd their Lives and Estates for the present Government, to make this necessary distinction, lest some Men should be induc'd to believe that Kingship itself is insupportable, and others that Parliaments are a Burden.

*Court and
Country
Party still
in being.*

'Tis this Distinction must preserve the Honour of our antient Constitution of Government, till it may flourish under the Influence of a Parliament, in which none or few who have gainful Offices shall be Members of the House of Commons. But a Bill to that purpose is not to be expected, when a Great Officer is Speaker.

The Executive Power ought not to be lodg'd in that House, because it would deprive the Kingdom of that which is the noblest and most useful Work of their Representatives, *The calling ill Ministers to account*, and the preserving a steady Administration in the subordinate Officers of the Government.

But in a House of Commons abounding with Officers, if any one of them be attack'd, it alarms the whole Fraternity, and they all engage to bring him off, tho it be by the scandalous way of putting the Question for Candles, and carrying it in the Negative. This was the Case of the Admiralty last Parliament, and may be of the Treasury this Session, if Fortune prove so propitious, that one of their Number be made Speaker. This Point gain'd, the next will probably be to establish the Army, and then to suspend or repeal the Triennial Act.

Alarms that attend the attacking of Officers.

Nothing can equal such a Choice, unless we could suppose the House of Commons should fix upon some old Prostitute of the exploded Pension'd Parliament in Charles the Second's Reign, who has from that time been tricking in the House in so shameful a manner, that the several Periods of his Life may be mark'd out by the Bargains he has made there, when the Court has come up to his price.

His Corruption in that Station has been as notorious as his Ability to do Mischief; for both were extraordinary.

The Speaker's Chair may upon some Accounts be convenient to such a one at this time; but I presume the House will have as little Regard to his Conveniency, as he has had, and will have to the Liberties of his Country.

In a word, if it be expected that Misdemeanors be inquir'd into, beneficial Laws made, and those which we already possess, transmitted to our Posterity, it must be either prodigious Folly, or an unaccountable Fate, if such a Man or a Lord of the Treasury, be chosen Speaker of this House of Commons.

A short HISTORY of Standing Armies in England.

Printed in 1698.

The PREFACE.

THERE is nothing in which the generality of Mankind are so much mistaken as when they talk of Government. The different Effects of it are obvious to every one, but few can trace its Causes. Most Men having indigested Ideas of the Nature of it, attribute all publick Miscarriages to the Corruption of Mankind. They think the whole Mass is infected, that it's impossible to make any Reformation, and so submit patiently to their Country's Calamities, or else share in the Spoil: whereas Complaints of this kind are as old as the World, and every Age has thought their own the worst. We have not only our own Experience, but the Example of all times, to prove that Men in the same Circumstances will do the same things, call them by what Names of distinction you please. A Government is a mere piece of Clockwork; and having such Springs and Wheels, must act after such a manner: and therefore the Art is to constitute it so that it must move to the publick Advantage. It is certain that every Man will act for his own Interest; and all wise Governments are founded upon that Principle: So that this whole Mystery is only to make the Interest of the Governors and Governed the same. In an absolute Monarchy, where the whole Power is in one Man, his Interest will be only regarded: In an Aristocracy the Interest of a few; and in a free Government the Interest of every one. This would be the Case

Common Mistakes as to Government.

Case of England if some Abuses that have lately crept into our Constitution were remov'd. The Freedom of this Kingdom depends upon the Peoples chusing the House of Commons, who are a part of the Legislature, and have the sole Power of giving Money. Were this a true Representative, and free from external Force or private Bribery, nothing could pass there but what they thought was for the publick Advantage. For their own Interest is so interwoven with the Peoples, that if they act for themselves (which every one of them will do as near as he can) they must act for the common Interest of England. And if a few among them should find it their Interest to abuse their Power, it will be the Interest of all the rest to punish them for it: and then our Government would act mechanically, and a Rogue will as naturally be hang'd as a Clock strike twelve when the hour is come. This is the Fountain-Head from whence the People expect all their Happiness, and the Redress of their Grievances; and if we can preserve them free from Corruption, they will take care to keep every body else so. Our Constitution seems to have provided for it, by never suffering the King (till Charles the Second's Reign) to have a mercenary Army to frighten them into a Compliance, nor Places or Revenues great enough to bribe them into it. The Places in the King's Gift were but few, and most of them Patent Places for Life, and the rest great Offices of State enjoy'd by single Persons, which seldom fell to the Share of the Commons, such as the Lord Chancellor, Lord Treasurer, Privy-Seal, Lord High-Admiral, &c. and when these Offices were possess'd by the Lords, the Commons were severe Inquisitors into their Actions. Thus the Government of England continu'd from the time that the Romans quitted the Island, to the time of Charles the First, who was the first I have read of that made an Opposition to himself in the House of Commons the road to Perferment; of which the Earl of Stafford and Noy were the most remarkable Instances, who from great Patriots became the chief Assertors of despotick Power. But this serv'd only to exasperate the rest; for he had not Places enough for all that expected them, nor Money enough to bribe them. 'Tis true, he rais'd great Sums of Money upon the People; but it being without Authority of Parliament, and having no Army to back him, it met with such Difficulties in the raising, that it did him little good, and ended at last in his Ruin, tho by the means of a long and miserable War, which brought us from one Tyranny to another; for the Army had got all things into their Power, and govern'd the Nation by a Council of War, which made all Parties join in calling in Charles the Second: So that he came in with the general applause of the People, who in a kind fit gave him a vast Revenue for Life. By this he was enabl'd to raise an Army, and bribe the Parliament, which he did to the purpose: but being a luxurious Prince, he could not part with great Sums at once. He only fed them from Hand to Mouth: So that they found it as necessary to keep him in a constant Dependance upon them, as they had upon him. They knew he would give them ready Money no longer than he had absolute Necessity for them, and he had not Places enough in his Disposal to secure a Majority in the House: for in those early days the Art was not found out of splitting and multiplying Places; as instead of a Lord Treasurer to have five Lords of the Treasury; instead of a Lord Admiral to have seven Lords of the Admiralty; to have seven Commissioners of the Customs, nine of the Excize, fourteen of the Navy Office, ten of the Stamp Office, eight of the Prize Office, sixteen of the Commissioners of Trade, two of the Post Office, four of the Transports, four for Hackny Coaches, four for Wine-Licences, four for the Victualling Office, and Multitudes of other Offices which are endless to enumerate. I believe the Gentlemen who have the good Fortune to be in some of these Employments, will think I complement them, if I should say they have not been better executed since they were in so many Hands, than when in fewer: and I must confess, I see no reason why they may not be made twice as many, and so ad infinitum, (unless the number be ascertain'd by Parliament) and what Danger this may be to our Constitution, I think of with Horror. For if in Ages to come they should be all given to Parliament Men, what will become of our so much boasted Liberty? What shall be done when the Criminal becomes the Judge, and the Malefactors are left to try themselves? We may be sure their common Danger will unite them, and they will all stand by one another. I do not speak this by guess; for I have read of a Country where there was a constant Series of Mismanagement for many Years together, and yet no Body was punish'd: and even in our own Country I believe, some Men now alive can remember the time, when if the King had but twenty more Places in his Disposal, or dispos'd of those he had to the best Advantage, the Liberty of England had been at an end. I would not be understood quite to exclude Parliament-men from having Places; for a Man may serve his Country in two Capacities: but I would not have it to be a Qualification for a Place; because a poor Borough thinks a Man fit to represent them, that therefore he must be a Statesman, a Lawyer, a Soldier, an Admiral, and what not? If this Method should be taken in a future Reign, the People must not expect to see Men of Ability or Integrity in any Places, while they hold them by no other Tenure than the Disservice they do their Country

Constitution
design'd to
prevent
Corruption,
&c.

First viola-
ted by King
Charles I.

After-
wards by K.
Charles II.

Art of
splitting
Places.

Parlia-
ment men to
be excluded
Offices.

in the House of Commons, and are sure to be turn'd out upon every prevalent Faction on the other side. They must then never expect to see the House of Commons act vigorously for the Interest either of King or People; but some will servilely comply with the Court to keep their Places, others will oppose it as unreasonably to get them: and those Gentlemen whose Designs are for their Countries Interest, will grow weary of the best Form of Government in the World, thinking by mistake the Fault is in our Constitution. I have heard of a Country, where the Disputes about Offices to the value of thirty thousand Pounds per annum, have made six Millions ineffectual; what by some Mens prostitute Compliance, and others openly clogging the Wheels, it has caus'd Want and Necessity in all kinds of Men, Bribery, Treachery, Profaneness, Atheism, Prodigality, Luxury, and all the Vices that attend a remiss and corrupt Administration, and a universal Neglect of the Publick. It is natural to run from one extreme to another; and this Policy will at last turn upon any Court that uses it: for if they should be resolv'd to give all Offices to Parliament-men, the People will think themselves under a Necessity to obtain a Law that they shall give none, which has been more than once attempted in our own time. Indeed, tho there may be no great inconvenience in suffering a few Men that have Places to be in that House, such as come in naturally, without any indirect means, yet it will be fatal to us to have many: for all wise Governments endeavour as much as possible to keep the Legislative and Executive Parts asunder, that they may be a check upon one another. Our Government trusts the King with no part of the Legislative but a Negative Voice, which is absolutely necessary to preserve the Executive. One part of the Duty of the House of Commons is to punish Offenders, and redress the Grievances occasion'd by the Executive Part of the Government; and how can that be done if they should happen to be the same Persons, unless they would be publick-spirited enough to hang or drown themselves?

Mischief of Disputes about Offices.

Legislative and Executive Power to be in different Hands.

But in my Opinion, in another thing of no less Importance, we deviated in Charles the Second's time from our Constitution: for tho we were in a Capacity of punishing Offenders, yet we did not know legally who they were. The Law has been always very tender of the Person of the King, and therefore has dispos'd the Executive Part of the Government in such proper Channels, that whatsoever lesser Excesses are committed, they are not imputed to him, but his Ministers are accountable for them: his great Seal is kept by his Chancellor, his Revenue by his Treasurer, his Laws are executed by his Judges, his Fleet is manag'd by his Lord High Admiral, who are all accountable for their Misbehaviour. Formerly all Matters of State and Discretion were debated and resolv'd in the Privy Council, where every Man subscrib'd his Opinion, and was answerable for it. The late King Charles was the first who broke this most excellent part of our Constitution, by settling a Cabal or Cabinet Council, where all Matters of Consequence were debated and resolv'd, and then brought to the Privy Council to be confirm'd. The first footsteps we have of this Council in any European Government were in Charles the Ninth's time of France, when resolving to massacre the Protestants, he durst not trust his Council with it, but chose a few Men who he call'd his Cabinet Council: and considering what a Genealogy it had, 'tis no wonder it has been so fatal both to King and People. To the King: for whereas our Constitution has provided Ministers in the several parts of the Government to answer for Miscarriages, and to skreen him from the hatred of the People; this on the contrary protects the Ministers, and exposes the King to all the Complaints of his Subjects. And 'tis as dangerous to the People: for whatever Miscarriages there are, no body can be punish'd for them; for they justify themselves by a Sign Manual, or perhaps a private Direction from the King: and then we have run it so far, that we can't follow it. The Consequence of this must be continual Heartburnings between King and People: and no one can see the Event.

Law is tender of the King's Person.

Ch. I. first settl'd a Cabinet-Council.

King of France settling a Cabinet-Council.

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A short HISTORY of Standing Armies in England.

Dismal Effects of a Standing Army.

IF any Man doubts whether a Standing Army is Slavery, Popery, Mahometism, Paganism, Atheism, or any thing which they please, let him read,
First, The Story of *Matho* and *Spendius* at *Carthage*, and the *Mamelukes* of *Egypt*.

In the Low-Countries.

Secondly, The Histories of *Strada* and *Bentivolio*, where he will find what Work nine thousand *Spaniards* made in the 17 Provinces, tho the Country was full of fortify'd Towns, possess'd by the Low-Country Lords, and they had Assistance from *Germany*, *England* and *France*.

In France.

Thirdly, The History of *Philip de Commines*, where he will find that *Lewis* the 11th enslav'd the vast Country of *France* with 25000 Men, and that the raising 500 Horse by *Philip* of *Burgundy* surnam'd the Good, was the Ruin of those Provinces.

In England.

Fourthly, *Ludlow's Memoirs*, where he will find that an Army rais'd to defend our Liberties, made Footballs of that Parliament, at whose Actions all *Europe* stood amaz'd, and in a few years set up ten several sorts of Government contrary to the Genius of the whole Nation, and the Opinion of half their own Body: such is the Influence of a General over an Army, that he can make them act like a piece of Mechanism, whatever their private Opinions are.

Lastly, Let him read the *Arguments against a Standing Army*, and *Discourse concerning Militias*, the *Militia Reform'd*, and the Answers to them. But lest all this should not satisfy him, I will here give a short History of Standing Armies in *England*, I will trace this Mystery of Iniquity from the beginning, and show the several steps by which it has crept upon us.

Rise of a Standing Army in England.

The first footsteps I find of a Standing Army in *England* since the *Romans* left the island, were in *Richard* the Second's time, who rais'd four thousand Archers in *Cheshire*, and suffer'd them to plunder, live upon free Quarter, beat, wound, ravish and kill wherever they went; and afterwards he call'd a Parliament, encompass'd them with his Archers, forc'd them to give up the whole Power of Parliaments, and make it Treason to endeavour to repeal any of the arbitrary Constitutions then made: but being afterwards oblig'd to go to *Ireland* to suppress a Rebellion there, the People took Advantage of it, and dethron'd him.

The Nation had such a Specimen in this Reign of a Standing Army, that I don't find any King from him to *Charles* the 1st, who attempted keeping up any Forces in time of Peace, except the Yeomen of the Guard, who were constituted by *Henry* the 7th: and tho there were several Armies rais'd in that time for *French*, *Scotch*, *Irish*, other foreign and domestick Wars; yet they were constantly disbanded as soon as the occasion was over. And in all the Wars of *York* and *Lancaster*, whatever Party prevail'd, we don't find they ever attempted to keep up a Standing Army. Such was the Virtue of those times, that they would rather run the hazard of forfeiting their Heads and Estates to the Rage of the opposite Party, than certainly enslave their Country, tho they themselves were to be the Tyrants.

Nor would they suffer our Kings to keep up an Army in *Ireland*, tho there were frequent Rebellions there, and by that means their Subjection very precarious; as well knowing they would be in *England* when call'd for. In the first three hundred years that the *English* had possession of that Country, there were no Armies there but in times of War. The first Force that was establish'd was in the 14th of *Edward* the Fourth, when 120 Archers on Horseback, 40 Horsemen, and 40 Pages were establish'd by Parliament there; which six years after were reduc'd to 80 Archers, and

and 20 Spearmen on Horseback. Afterwards in *Henry* the Eighth's time, in the Year 1535, the Army in *Ireland* was 300; and in 1543, they were increas'd to 380 Horse and 160 Foot, which was the Establishment then. I speak this of times of Peace: for when the *Irish* were in Rebellion, which was very frequent, the Armies were much more considerable. In Queen *Mary's* time the Standing Forces were about 1200. In most of Queen *Elizabeth's* Reign the *Irish* were in open Rebellion; but when they were all suppress'd, the Army establish'd was between 1500 and 2000; about which number they continu'd till the Army rais'd by *Strafford* the 15th of *Charles* the First.

In the Year 1602 dy'd Queen *Elizabeth*, and with her all the Virtue of the *Plantagenets*, and the *Tudors*. She made the *English* Glory found thro the whole Earth: She first taught her Country the Advantages of Trade; set bounds to the Ambition of *France* and *Spain*; assisted the *Dutch*, but would neither permit them or *France* to build any great Ships; kept the Keys of the Rivers *Maes* and *Scheld* in her own hands; and dy'd with an uncontrol'd Dominion of the Seas, and Arbitres of Christendom. All this she did with a Revenue not exceeding 300000 pounds per annum; and had but inconsiderable Taxes from her People. The Glory of
Q. Eliza's
Reign.

No sooner was King *James* come to the Crown, but all the Reputation we had acquir'd in her glorious Reign was eclips'd, and we became the Scorn of all Nations about us, condemn'd even by that State we had created, who insulted us at Sea, seiz'd *Amboyna*, *Poleroon*, *Seran*, and other Places in the *East-Indies*, by which they ingross'd that most profitable Trade of Spices; fish'd upon our Coasts without paying the customary Tribute, and at the same time prevail'd with the King to deliver up the cautionary Towns of *Brill*, *Ramekins*, and *Flushing*, for a very small Consideration, tho there were near six Millions Arrears. He squander'd the publick Treasure, discountenanc'd all the great Men who were rais'd in the glorious Reign of his Predecessor, cut off Sir *Walter Raleigh's* Head, advanc'd Favorites of his own, Men of no Merit, to the highest Preferment; and to maintain their Profuseness, he granted them Monopolies, infinite Projects, prostituted Honours for Money, rais'd Benevolences and Loans without Authority of Parliament. And when these Grievances were complain'd of there, he committed many of the principal Members without Bail or Mainprize, as he did afterwards for presuming to address him against the *Spanish* Match. He pardon'd the Earl of *Somerset* and his Wife for Sir *Thomas Overbury's* Murder, after he had imprecated all the Curses of Heaven upon himself and his Posterity; and it was generally thought, because the Earl was accessary to the poisoning Prince *Henry*. He permitted his Son-in-law to be ejected out of his Principalities, and the Protestant Interest to be run down in *Germany* and *France*, while he was bubb'd nine Years together with the hopes of the *Spanish* Match, and a great Fortune. Afterwards he made a dishonourable Treaty of Marriage with *France*, giving the Papists Liberty of Conscience: and indeed, as he often declar'd, he was no otherwise an Enemy to Popery, than for their deposing of Kings, and King-killing Doctrine. In *Ireland* he gave them all the Incouragement he durst; which Policy has been follow'd by all his Successors since to this present Reign, and has serv'd them to two Purposes: One is, by this they have had a Pretence to keep up Standing Armies there to awe the Natives; and the other, that they might make use of the Natives against their *English* Subjects. In this Reign that ridiculous Doctrine of Kings being *Jure Divino* was coin'd, never before heard of even in the *Eastern* Tyrannies. The other parts of his Government had such a mixture of *Scharamuchi* and *Harlequin*, that they ought not to be spoken of seriously, as Proclamations upon every Trifle, some against talking of News; Letters to the Parliament, telling them he was an old and wise King; that State Affairs were above their reach, and therefore they must not meddle with them, and such like Trumpery. But our Happiness was, that this Prince was a great Coward, and hated the sight of a Soldier; so that he could not do much against us by open force. At last he dy'd (as many have believ'd) by Poison, to make room for his Son *Charles* the First. K. J. lessened
the Glory
of England.

The dishonour
of his Reign.

This King was a great Bigot, which made him the Darling of the Clergy: but having no great reach of his own, and being govern'd by the Priests (who have been always unfortunate when they meddled with Politicks) with a true Ecclesiastick Fury he drove on to the Destruction of all the Liberties of *England*. This King's whole Reign was one continu'd Act against the Laws. He dissolv'd his first Parliament for presuming to inquire into his Father's Death, tho he lost a great Sum of Money by it, which they had voted him: He entred at the same time into a War

His ill Government
blam'd.

with *France* and *Spain*, upon the private Piques of *Buckingham*, who manag'd them to the eternal Dishonour and Reproach of the *English* Nation; witness the ridiculous Enterprizes upon *Cadiz* and the Isle of *Rhee*. He deliver'd *Pennington's* Fleet into the *French* hands, betray'd the poor *Rocbellers*, and suffer'd the Protestant Interest in *France* to be quite extirpated. He rais'd Loans, Excises, Coat and Conduct-mony, Tunnage and Poundage, Knighthood and Ship-mony, without Authority of Parliament; impos'd new Oaths on the Subjects, to discover the Value of their Estates; imprison'd great numbers of the most considerable Gentry and Merchants for not paying his Arbitrary Taxes; some he sent beyond Sea, and the poorer sort he prest for Soldiers. He kept Soldiers on free Quarter, and executed Martial Law upon them. He granted Monopolies without number, and broke the Bounds of the Forests. He erected Arbitrary Courts, and enlarg'd others, as the High Commission-Court, Star-Chamber, Court of Honor, Court of Requests, &c. and unspeakable Oppressions were committed in them, even to Men of the first Quality. He commanded the Earl of *Bristol* and Bishop of *Lincoln* not to come to Parliament; committed and prosecuted a great many of the most eminent Members of the House of Commons for what they did there, some for no Cause at all; and would not let them have the benefit of *Habeas Corpus*: Suspended and confin'd Archbishop *Abbot*, because he would not license a Sermon that asserted Despotick Power, whatever other Cause was pretended. He suspended the Bishop of *Glocester*, for refusing to swear never to consent to alter the Government of the Church: supported all his Arbitrary Ministers against the Parliament, telling them he wondred at the foolish Impudence of any one to think he would part with the meanest of his Servants upon their account: And indeed in his Speeches, or rather Menaces, he treated them like his Footmen, calling them *Undutiful*, *Seditious*, and *Vipers*. He brought unheard of Innovations into the Church; preferred Men of Arbitrary Principles, and inclinable to Popery, especially those Firebrands, *Laud*, *Mountague* and *Manwaring*, one of whom had been complain'd of in Parliament, another impeach'd for advancing Popery, and the third condemn'd in the House of Lords. He dispensed with the Laws against Papists, and both encourag'd and prefer'd them. He call'd no Parliament for twelve Years together, and in that time govern'd as arbitrarily as the Grand Seignior. He abetted the *Irish* Massacre, as appears by their producing a Commission under the Great Seal of *Scotland*, by the Letter of *Charles* the Second in favour of the Marquess of *Antrim*, by his stopping the Succors that the Parliament sent to reduce *Ireland* six months under the Walls of *Chester*; by his entering into a Treaty with the Rebels, after he had ingag'd his Faith to the Parliament to the contrary, and bringing over many thousands of them to fight against his People. It is endless to enumerate all the Oppressions of his Reign; but having no Army to support him, his Tyranny was precarious, and at last his Ruin. Tho he extorted great Sums of Mony from the People, yet it was with so much difficulty that it did him little good. Besides, he spent so much in foolish Wars and Expeditions, that he was always behind-hand; yet he often attempted to raise an Army.

The ill things done
in K. Ch. I's
Reign.

Upon pretence of the *Spanish* and *French* War he rais'd many thousand Men, who liv'd upon free Quarter, and rob'd and destroy'd wherever they came. But being unsuccessful in his Wars abroad, and prest by the Clamours of the People at home, he was forc'd to disband them. In 1627 he sent over 30000 *l.* to *Holland* to raise 3000 *German* Horse to force his arbitrary Taxes; but this Matter taking wind, and being examin'd by the Parliament, Orders were sent to countermand them. In the 15th Year of his Reign he gave a Commission to *Strafford* to raise 8000 *Irish* to be brought into *England*: But before they could get hither, the *Scots* were in Arms for the like Oppressions, and marched into *Northumberland*; which forcing him to call a Parliament, prevented that Design, and so that Army was disbanded. Soon after he rais'd an Army in *England* to oppose the *Scots*, and tamper'd with them to march to *London*, and dissolve the Parliament: But this Army being compos'd for the most part of the Militia, and the Matter being communicated to the House, who immediately fell on the Officers that were Members, as *Ashburnham*, *Wilmot*, *Pollard*, &c. the Design came to nothing. After this there was a Pacification between the King and the *Scots*; and in pursuance of it both Armies were disbanded. Then he went to *Scotland*, and endeavour'd to prevail with them to invade *England*; but that not doing, he sent a Message to the Parliament, desiring their concurrence in the raising 3000 *Irish* to be lent to the King of *Spain*: to which the Parliament refus'd to consent, believing he would make another use of them.

When

When he came back to *London*, he pick'd three or 400 dissolute Fellows out of Taverns, Gaming and Brothel-houses, kept a Table for them; and with this goodly Guard, all arm'd, he enter'd the House of Commons, sat down in the Speaker's Chair, demanding the delivery of five Members: But the Citizens coming down by Land and Water with Muskets on their Shoulders to defend the Parliament, he attempted no further. This so inrag'd the House, that they chose a Guard to defend themselves against future Insults, and the King soon after left *London*.

Some time before this began the *Irish* Rebellion, where the *Irish* pretended the King's Authority, and shew'd the Great Seal to justify themselves; which, whether true or false, rais'd such a jealousy in the People, that he was forc'd to consent to leave the management of that War to the Parliament: yet he afterwards sent a Message to them, telling them, he would go to *Ireland* in Person; and acquainted them, that he had issued out Commissions for raising 2000 Foot and 200 Horse in *Cheshire* for his Guard; which they protested against, and prevented it. By this we may see what Force was thought sufficient in his Reign to inflame the Nation, and the frequent Attempts to get it. *The Irish Rebellion.*

Then the Civil Wars broke out between him and his People, in which many bloody Battels were fought; two of the most considerable were those of *Newbury* and *Naseby*, both won by new Soldiers, the first by the *London* Militia, and the latter by an unexperienc'd Army, which the King us'd to call in derision the *New Model*. And some Years after the Battel of *Worcester* was in a great measure won by the Country Militia, after which *Cromwel* discharg'd them with Anger and Contempt, as knowing them Instruments unfit to promote his Tyrannical Designs. *Militia did most at the Battels of Worcester, &c.*

At last by the Fate of the War the King became a Prisoner, and the Parliament treated with him while in that condition; and at the same time voted that some part of the Army should be disbanded, and others sent to *Ireland* to reduce that Kingdom: Upon which the Army chose Agitators among themselves, who presented a Petition to both Houses, that they would proceed to settle the Affairs of the Kingdom, and declare that no part of the Army should be disbanded till that was done. But finding their Petition resented, they sent and seiz'd the King's Person from the Parliament's Commissioners, drew up a Charge of High Treason against Eleven principal Members for endeavouring to disband the Army, entred into a private Treaty with the King: But he not complying with their Demands, they seiz'd *London*; and notwithstanding the Parliament had voted the King's Concessions a ground for a future Settlement, they resolv'd to put him to Death, and in order thereto purg'd the House, as they call'd it, that is, plac'd Guards upon them, and excluded all Members that were for agreeing with the King; and then they cut off his Head.

After this they let the Parliament govern for five Years, who made their Name famous thro the Earth, conquer'd their Enemies in *England*, *Scotland*, and *Ireland*; reduc'd the Kingdom of *Portugal* to their own Terms; recover'd our Reputation at Sea; overcame the *Dutch* in several famous Battels; secur'd our Trade, and manag'd the Publick Expences with so much Frugality, that no Estates were gain'd by private Men upon the publick Miseries; and at last were passing an Act for their own Dissolution, and settling the Nation in a free and impartial Commonwealth: Of which the Army being afraid, thought it necessary to dissolve them; and accordingly *Cromwel* next day call'd two Files of Musqueteers into the House, and pull'd the Speaker out of the Chair, behaving himself like a Madman, vilifying the Members, and calling one a *Whoremaster*, another a *Drunkard*, bidding the Soldiers take away that *Fools Bauble*, the Mace; and so good night to the Parliament. *The great things done by the Parliament in 5 Years.*

When they had done this Act of Violence, the Council of Officers set up a new Form of Government, and chose a certain number of Persons out of every County and City of *England*, *Scotland* and *Ireland*: And these they invested with the Supreme Power, but soon after expelled them, and then *Cromwel* set up himself, and fram'd a new Instrument of Government by a Protector and a House of Commons, in pursuance of which he call'd a Parliament. But they not answering his Expectations, he excluded all that would not subscribe his Instrument; and those that remain'd, not proving for his Purpose neither, he dissolv'd them with a great deal of opprobrious Language. He then divided *England* into several Districts or Divisions, and placed Major Generals or Intendants over them, who govern'd like so many *Bashaws*, decimating the Cavaliers, and raising Taxes at their Pleasure. Then forsooth he had a mind to make himself King, and call'd another Parliament to that purpose, *Cromwel set up himself.*

purpose, after his usual manner secluding such Members as he did not like. To this Assembly he offer'd another Instrument of Government, which was by a Representative of the People, a second House compos'd of Seventy Members in the nature of a House of Lords, and a single Person; and left a Blank for what name he should be call'd, which this worthy Assembly fill'd up with that of *King*, address'd to *Cromwell* that he would be pleas'd to accept it, and gave him Power to nominate the Members of the other House. This the great Officers of the Army resented, for it destroy'd all their hopes of being Tyrants in their turn, and therefore address'd the Parliament against the Power and Government of a King, which made *Cromwell* decline that Title, and content himself with a greater Power under the Name of *Protector*. Afterwards he nam'd the *other House*, as it was call'd, for the most part out of the Officers of the Army: But even this Parliament not pleasing him, he dissolv'd them in a fury, and govern'd the Nation without any Parliament at all till he died.

After his Death, the Army set up his Son *Richard*, who call'd a new Parliament; but their Proceedings being not agreeable to the Humor of the Soldiery, they forced the Protector to dissolve them: Then they depos'd him, and took the Power into their own hands; but being unable to weild it, they restor'd the Commonwealth, and soon after expelled them again, because they would not settle the Military Sword independent of the Civil: Then they govern'd the Nation by a Council of War at *Wallingford-House*, and chose a Committee of Safety for the executive part of the Government; but that Whim lasted but a little time, before they chose Conservators of Liberty; and that not doing neither, they agreed that every Regiment should chuse two Representatives, and this worthy Council should settle the Nation; when they met, sometimes they were for calling a new Parliament, sometimes for restoring the old, which was at last done. By this means all things fell into Confusion, which gave *Monk* an opportunity of marching into *England*, where he acted his part so dexterously, that he restor'd the King with part of that Army which had cut off his Father's Head.

The Restoration of
K.Ch.II.

This is a true and lively Example of a Government with an Army; an Army that was rais'd in the Cause, and for the sake of Liberty; compos'd for the most part of Men of Religion and Sobriety. If this Army could commit such Violences upon a Parliament always successful, that had acquired so much Reputation both at home and abroad, at a time when the whole People were train'd in Arms, and the Pulse of the Nation beat high for Liberty; what are we to expect if in a future Age an ambitious Prince should arise with a dissolute and debauch'd Army, a flattering Clergy, a prostitute Ministry, a Bankrupt House of Lords, a Pensioner House of Commons, and a slavish and corrupted Nation?

K. Ch. II's
Reign arraign'd.

By this means came in *Charles* the Second, a luxurious effeminate Prince, a deep Dissembler, and if not a Papist himself, yet a great favourer of them; but the People had suffer'd so much from the Army, that he was receiv'd with the utmost Joy and Transport. The Parliament in the Honymoon pass'd what Laws he pleas'd, gave a vast Revenue for Life, being three times as much as any of his Predecessors ever enjoy'd, and several Millions besides to be spent in his Pleasures. This made him conceive vaster hopes of Arbitrary Power than any that went before him; and in order to it he debauch'd and enervated the whole Kingdom. His Court was a Scene of Adultery, Drunkenness, and Irreligion, appearing more like Stews, or the Feasts of *Bacchus*, than the Family of a Chief Magistrate: And in a little time the Contagion spread thro the whole Nation, that it was out of the fashion not to be leud, and scandalous not to be a publick Enemy; which has been the occasion of all the Miseries that have since happen'd, and I am afraid will not be extinguish'd but by our own Ruin. He was no sooner warm in his Seat, but he rejected an advantageous Treaty of Commerce which *Oliver* made with *France*, as done by a Usurper; suffer'd the *French* to lay Impositions upon all our Goods, which amounted to a Prohibition, insomuch that they got a Million a Year from us in the overballance of Trade. He sold that important Fortress of *Dunkirk*, let the *French* seize *St. Christophers* and other places in *North America*.

Calamities during his
Reign.

He began a foolish and unjust War with the *Dutch*; and tho the Parliament gave him vast Sums to maintain it, yet he spent so much upon his Vices, that they got great Advantages of us, and burnt our Fleet at *Chatbam*. At last he made as dishonourable a Peace with them, as he had done a War; a perpetual Reproach to our Country, that our Reputation at Sea should be sunk to so low an ebb as to be baffled by that Nation, who but a few Years before had sent a blank Paper to the Parliament,

Parliament, to prescribe to them what Laws they pleas'd. During this War the City of *London* was fired, not without violent Suspicions that the Fireballs were prepar'd at *Whitehall*.

Soon after this he entred into the Triple Alliance to oppose the growing Greatness of *France*, and receiv'd a great Sum from the Parliament to maintain it, which he made use of to break the same League; sent Mr. *Coventry* to *Sweden* to dissolve it; and entred into a strict Alliance with *France*, which was seal'd with his Sister's Blood. In conjunction with them he made a new War upon *Holland*, to extirpate Liberty and the Protestant Religion: But knowing the Parliament were averse to the War, and would not support him in it, he attempted before any War declar'd, to seize their *Smirna* Fleet, shut up the *Exchequer*, and became so mean as to be a Pensioner to *France*, from whence his Predecessors with Swords in their hands had so often exacted Tribute. He not only suffer'd, but assisted them to arrive at that pitch of Greatness, which all *Europe* hath since sufficiently felt and lamented. He sent over ten thousand Men to assist in subduing *Flanders* and *Germany*, by whose help they did several considerable Actions. He sent them Timber, Seamen, Ship-Carpenters, and Models, contrary to the Policy of all Nations; which rais'd their Naval Force to a degree almost equal to our own: and for their Exercise, he suffer'd them to take multitudes of *English* Ships by their Privateers, without so much as demanding Satisfaction.

During this War he issued out a Declaration suspending the Penal Laws, which appears to be design'd in favor of the Papists, by directing a Bill afterwards to be stolen away out of the House of Lords, for indulging Protestant Dissenters, whom he persecuted violently most of his Reign, while he both countenanc'd and prefer'd Papists; broke the Act of Settlement in *Ireland*, restor'd them to their Estates, issued forth a Proclamation giving the Papists liberty to inhabit in Corporations, and married the Duke of *York* not only to a Papist, but one in the *French* Interest, notwithstanding the repeated Addresses of the Parliament to the contrary. It was in this Reign that that cursed and detestable Policy was much improv'd of bribing Parliaments, by distributing all the great Employments in *England* among them, and supplying the want of Places with Grants of Lands and Mony. No Man could be prefer'd to any Employment in Church or State, till he had declar'd himself an open Enemy to our Constitution, by asserting Despotick Power under that nonsensical Phrase of *Passive Obedience*, which was more preach'd up than all the Laws of God and Man. The hellish Popish Plot was stifled, prov'd since too true by fatal Experience; and in the room of it Protestant ones were forg'd, and Men trapan'd into others, as the Meal-tub, *Fitz Harris's*, the *Rye-House*, *Newmarket*, and *Black-Heath* Plots: And by these Pretences, and the help of pack'd Juries and Judges, they butcher'd some of the best Men in *England*, set immoderate Fines upon others; gave probable suspicion of cutting the Lord *Essex's* Throat. And to finish our Destruction, they took away the Charters as fast as they were able, of all the Corporations in *England*, that would not chuse the Members prescrib'd them.

Bribing
Parliament men
practis'd in
that Reign.

But he durst not have dreamt of all these Violations if he had not had an Army to justify them. He had thoughts at first of keeping up the Parliament Army, which was several times in debate: But Chancellor *Hyde* prevail'd upon him by this Argument, that they were a Body of Men that had cut off his Father's Head; that they had set up and pull'd down ten several sorts of Government; and that it might be his own turn next. So that his Fears prevailing over his Ambition, he consented to disband them; but soon found how vain and abortive a thing Arbitrary Power would prove without an Army. He therefore try'd all ways to get one; and first he attempted it in *Scotland*, and by means of the Duke of *Lauderdale* got an Act pass'd there, whereby the Kingdom of *Scotland* was oblig'd to raise 20000 Foot and 2000 Horse at his Majesty's Call, to march into any part of his Dominions; and this Law is in being at this day. Much about the same time he rais'd Guards in *England* (a thing unheard of in our *English* Constitution) and by degrees increas'd them, till they became a formidable Army; for first they were but very few, but by adding insensibly more Men to a Troop or Company, and then more Troops or Companies to a Regiment, before the second *Dutch* War he had multiply'd them to near 5000 Men. He then began that War in conjunction with *France*, and the Parliament gave him two Millions and a half to maintain it; with part of which Mony he rais'd about 12000 Men, which were call'd the *Black-Heath Army* (appointing Marshal *Schomberg* to be their General, and *Fitz Gerald* an *Irish* Papist their Lieutenant-General) and pretended he rais'd them to attack *Holland*; but instead of

K. Ch. II.
disbands
the Army
which restor'd him;

The Guards
increas'd to
5000 Men.

using

using them to that purpose, he kept them encamp'd upon *Black-Heath*, hovering over the City of *London*, which put both the Parliament and City in such confusion, that the King was forc'd at last to disband them.

General
Schom-
berg's ge-
nerous Ac-
tion.

But there were several Accidents contributed to it: First, the ill Success he had in the War with the *Dutch*, such Gallantries being not to be attempted but in the highest Raptures of Fortune: Next, the never to be forgotten Generosity of that great Man General *Schomberg*, whose mighty Genius scorn'd so ignoble an Action as to put Chains upon a free People: and last of all, the Army themselves mutiny'd for want of Pay; which added to the ill Humors that were then in the Nation, made the King willing to disband them. But at the same time, contrary to the Articles of Peace with the *Dutch*, he continu'd ten thousand Men in the *French* Service, for the most part under Popish Officers, to be season'd there in slavish Principles, that they might be ready to execute any Commands when they were sent for over. The Parliament never met, but they address'd the King to recal these Forces out of *France* and disband them; and several times prepar'd Bills to that purpose, which the King always prevented by a Prorogation; but at last was prevail'd upon to issue forth a Proclamation to recal them, yet at the same time supply'd them with Recruits, encourag'd some to go voluntarily into that Service, and press'd, imprison'd, and carried over others by main Force: Besides, he only disbanded the new rais'd Regiments, and not all them neither, for he kept up in *England* five thousand eight hundred and ninety private Men besides Officers, which was his Establishment in 1673.

K. Ch. II.
had 10000
of his Sub-
jects in the
French
Service.

Designs for
Popery and
Arbitrary
Power.

The King having two great Designs to carry on together, viz. Popery and Arbitrary Power, thought this Force not enough to do his Business effectually; and therefore cast about how to get a new Army, and took the most plausible way, which was, pretending to enter into a War with *France*; and to that purpose sent Mr. *Thyn* to *Holland*, who made a strict League with the States: And immediately upon it the King call'd the Parliament, who gave him 1200000 Pounds to enter into an actual War; with which Money he rais'd an Army of between twenty and thirty thousand Men within less than forty Days, and sent part of them to *Flanders*. At the same time he continu'd his Forces in *France*, and took a Sum of Money from that King to assist him in making a private Peace with *Holland*: So that instead of a War with *France*, the Parliament had given a great Sum to raise an Army to enslave themselves.

But it happen'd about this time that the Popish Plot broke out, which put the Nation into such a Ferment, that there was no stemming the Tide; so that he was forc'd to call the Parliament, which met the 23d of *October* 78, who immediately fell upon the Popish Plot and the Land Army. Besides, there were discover'd 57 Commissions granted to Papists to raise Men, countersign'd *J. Williamson*; for which, and saying that the King might keep Guards if he could pay them, he was committed to the *Tower*. This so inrag'd the Parliament, that they immediately proceeded to the disbanding of the Army, and pass'd an Act that all rais'd since the 29th of *September* 77, should be disbanded, and gave the King 693388 Pounds to pay off their Arrears; which he made use of to keep them up, and dissolv'd the Parliament: But soon after call'd another, which pursu'd the same Counsels, and pass'd a second Act to disband the Army, gave a new Sum for doing it, directed it to be paid into the Chamber of *London*; appointed Commissioners of their own, and pass'd a Vote, That the continuance of any Standing Forces in this Nation, other than the *Militia*, was illegal, and a great Grievance and Vexation to the People; so that Army was disbanded. Besides this, they complain'd of the Forces that were in *France*, and address'd the King again to recal them; which had some effect, for he sent over no more Recruits, but suffer'd them to wear out by degrees. The Establishment upon the Dissolution of this Army, which was in the Year 1678, were 5650 private Soldiers, besides Officers. From this time he never agreed with his People, but dissolv'd three Parliaments following for inquiring into the Popish Plot; and in the three last Years of his Reign call'd none at all. And to crown the Work, *Tangier* is demolish'd, and the Garison brought over, and plac'd in the most considerable Ports in *England*; which made the Establishment in 8 $\frac{1}{4}$ 8482 private Men, besides Officers.

The Stand-
ing Forces
in 1684.
were above
8000 Men.

It's observable in this King's Reign, that there was not one Session but his Guards were attack'd, and never could get the least Countenance from Parliament; but to be even with them, the Court as much discountenanc'd the *Militia*, and never would suffer it to be made useful. Thus we see the King husbanded a few Guards so well,

that

that in a small number of Years they grew to a formidable Army, notwithstanding all the Endeavours of the Parliament to the contrary; so difficult it is to prevent the growing of an Evil, that does not receive a check in the beginning.

He increas'd the Establishment in *Ireland* to 7700 Men, Officers included; where-
as they never exceeded in any former Reign 2000, when there was more occasion for them: The *Irish* not long before having been intirely reduc'd by *Cromwel*, and could never have held up their Heads again without his Countenance. But the truth of it was, his Army was to support the *Irish*, and the fear of the *Irish* was to support his Army. Establishment in *Ireland* increas'd to 7700.

Towards the latter end of this King's Reign, the Nation had so entirely lost all sense of Liberty, that they grew fond of their Chains; and if his Brother would have suffer'd him to have liv'd longer, or had follow'd his Example, by this time we had been as great Slaves as in *France*. But it was God's great Mercy to us that he was made in another Mould, Imperious, Obstinate, and a Bigot, push'd on by the Counsels of *France* and *Rome*, and the Violence of his own Nature, so that he quickly run himself out of Breath.

As soon as he came to the Crown, he seiz'd the Customs and Excise without Authority of Parliament: He pick'd out the Scum and Scandals of the Law to make Judges upon the Bench; and turn'd out all that would not sacrifice their Oaths to his Ambition, by which he discharg'd the Lords out of the Tower; inflicted those barbarous Punishments on Dr. *Oates*, Mr. *Johnson*, &c. butcher'd many hundreds of Men in the *West*, after they had been trapan'd into a Confession by promise of Pardon; murder'd *Cornish*; got the Dispensing Power to be declar'd in *Westminster-hall*; turn'd the Fellows of *Magdalen-College* out of their Freeholds to make way for a Seminary of Priests, and hang'd Soldiers for running away from their Colours. He erected the Ecclesiastical Commission; suspended the Bishop of *London*, because he would not inflict the same Punishment upon Dr. *Sharp* for preaching against Popery. He closetted the Nobility and Gentry; turn'd all out of Employment that would not promise to repeal the Test; put in Popish Privy-Counsellors, Judges, Deputy-Lieutenants, and Justices of Peace; and to get all this confirm'd by the shew of Parliament, he prosecuted the Work his Brother had begun in taking away Charters, and new model'd the Corporations by a sort of Vermin call'd *Regulators*. He receiv'd a Nuncio from *Rome*, and sent an Ambassador thither. He erected a Popish Seminary in the *Savoy* to pervert Youth; suffer'd the Priests to go about in their Habits; made *Tyrconnel* Lord-Lieutenant of *Ireland*; turn'd all the Protestants out of the Army, and most of the Civil Employments there, and made *Fitton* (a Papist, and one detected for Perjury) Chancellor of that Kingdom. He issu'd out a Proclamation in *Scotland*, wherein he asserted his Absolute Power, which all his Subjects were to obey without reserve; a Prerogative I think, never claim'd by the Great Turk, or the *Mogul*. He issu'd out a Declaration for Liberty of Conscience, order'd it to be read in all Churches, and imprison'd and try'd the Seven Bishops because they humbly offer'd their Reasons in a Petition against it. And to consume all, that we might have no hopes of retrieving our Misfortunes, he impos'd a counterfeit Prince of *Wales* upon the Nation. K. J. II's Actions at his coming to the Crown.

K. J. II. asserts his absolute Power in *Scotland*.

Soon after he came to the Crown the Duke of *Monmouth* landed, and in a few weeks got together six or seven thousand Men; but they having neither Arms or Provisions, were easily defeated by not many more than two thousand of the King's Troops. Which leaves a sad prospect of the Consequence of a Standing Army: for here was a Prince, the Darling of the common People, fighting against a bigotted Papist that was hated and abhor'd by them, and yet defeated by so small a number of Men, and many of them too his Friends; such is the Force of Authority. D. of *Monmouth's* Invasion soon crush'd.

King *James* took occasion from hence to increase his Army to between fifteen and 16000 Men, and then unmask'd himself, call'd his Parliament, and in a haughty Speech told them, He had increas'd his Army, put in Officers not qualify'd by the Test, and that he would not part with them. He ask'd a Supply, and let them know he expected their Compliance. This was very unexpected to those Loyal Gentlemen, who had given him such a vast Revenue for Life, who refus'd to take any Security but his Majesty's never-failing Word for the Protestant Religion, and indeed had done for him whatever he ask'd; which yet was not very extraordinary, since he had the chusing of most of 'em himself. But even this Parliament turn'd short upon an Army; which puts me in mind of a Saying of *Macchiavel*, viz. That it is as hard for a Man to be perfectly bad as perfectly good; tho if he had liv'd at this time I believe

believe he had chang'd his Opinion. The Court labour'd the matter very much; and to shew that good Wits jump, they told us that *France* was grown formidable, that the *Dutch* Forces were much increas'd; that we must be strong in proportion for the preservation of our selves and *Flanders*, and that there was no dependence upon the Militia. But this shallow Rhetorick would not pass upon them: They answer'd, That we had defended our selves for above a thousand Years without an Army; that the King's truest Strength is the Love of his People; that they would make the Militia useful, and order'd a Bill to be brought in to that purpose. But all this serv'd only to fulfil their Iniquity, for they had done their own Business before, and now he would keep an Army up in spite of them: so he prorogu'd them, and call'd no other Parliament during his Reign; but to frighten the City of *London*, kept his Army encamp'd at *Hounslow-Heath* when the Season would permit; which put not only them but the whole Nation into the utmost Terror and Confusion. Towards the latter end of his Reign he had increas'd his Army in *England* to above twenty thousand Men, and in *Ireland* to eight thousand seven hundred and odd.

Two great
Errors of
K. J. first
disobliging
the Clergy.

This King committed two fatal Errors in his Politicks: The first was, his falling out with his old Chronicles the Priests, who brought him to the Crown in spite of his Religion, and would have supported him in Arbitrary Government to the utmost; nay, Popery (especially the worst part of it, viz. the Domination of the Church) was not so formidable a thing to them, but with a little Cookery it might have been rendred palatable. But he had Priests of another sort that were to rise upon their Ruins; and he thought to play an easier Game by caressing the Dissenters, imploying them, and giving them Liberty of Conscience: Which Kindness look'd so preposterous, that the wise and sober Men among them could never heartily believe it, and when the Prince of *Orange* landed turn'd against him.

The other
in disoblig-
ing the
Army.

His second Error was the disobliging his own Army, by bringing over Regiments from *Ireland*, and ordering every Company to take in so many *Irish* Papists; by which they plainly saw he was reforming his Army, and would cashier them all as fast as he could get Papists to supply their room. So that he violated the Rights of the People, fell out with the Church of *England*, made uncertain Friends of the Dissenters, and disoblig'd his own Army; by which means they all united against him, and invited the Prince of *Orange* to assist them: which Invitation he accepted, and landed at *Torbay* the 5th of *November* 1688. publishing a Declaration, which set forth all the Oppressions of the last Reign [but the keeping up a Standing Army] declar'd for a Free Parliament, in which things were to be so settled, that there should be no danger of falling again into Slavery, and promis'd to send back all his Foreign Forces as soon as this was done.

The Pr. of
O. comes to
the Nati-
on's Deli-
verance.

When the News of his Landing was spread thro *England*, he was welcom'd by the universal Acclamations of the People. He had the Hands, the Hearts, and the Prayers of all honest Men in the Nation: Every one thought the long wish'd for time of their Deliverance was come. King *James* was deserted by his own Family, his Court, and his Army. The Ground he stood upon mouldred under him; so that he sent his Queen and Foundling to *France* before him, and himself follow'd soon after. When the Prince came to *London*, he disbanded most of those Regiments that were rais'd from the time he landed; and King *James's* Army that were disbanded by *Feversham*, were order'd to repair all again to their Colours: Which was thought by some a false step, believing it would have been more our Interest to have kept those Regiments which came in upon the Principle on which this Revolution is founded, than Forces that were rais'd in violation of the Laws, and to support a Tyrannical Government: Besides, the miserable Condition of *Ireland* requir'd our speedy Assistance, and these Men might have been trusted to do that Work.

Within a few days after he came to Town, he summon'd the Lords, and not long after the Members of the three last Parliaments of King *Charles* the Second; and was address'd to by both Houses to take upon him the Administration of the Government, to take into his particular Care the then present Condition of *Ireland*, and to issue forth Circulatory Letters for chusing a Convention of Estates. All this time *Ireland* lay bleeding, and *Tyrconnel* was raising an Army, disarming the Protestants, and dispossessing them of all the Places they held in *Leinster*, *Munster*, and *Connaught*: which occasion'd frequent Applications here for Relief, tho it was to send them but one or two Regiments; and if that could not be done, to send

send them Arms and Commissions, which in all probability would have made the Reduction of that Kingdom very easy. Yet tho' the Prince's and King James's Armys were both in England, no Relief was sent, by which means the Irish got possession of the whole Kingdom but Londonderry and Inniskilling, the former of which Towns shut up its Gates the 9th of December, declaring for the Prince of Orange, and address'd for immediate Relief, yet could neither get Arms or Ammunition till March 20. and the Forces that were sent with Cunningham and Richards arriv'd not there till April 15. and immediately after deserted the Service and came back again, bringing Lundy the Governor before appointed by his Majesty with them, and alledg'd for their Excuse, that it was impossible to defend the Town. But notwithstanding this Treachery, such was the Resolution of the Besieged, that they continu'd to defend themselves with the utmost Bravery, and sent again for Relief, which under Kirk came not to them till June 7. nor were these poor Creatures actually reliev'd till July 30. tho' there appears no reason why he might not have done it when he came first into the Harbor, which was more than seven weeks before. Thus we see the Resolution of these poor Men weary'd out all their Disappointments.

When the Convention met, they resolv'd upon twenty eight Articles, as the Preliminaries upon which they would dispose the Crown: But this Design dwindled into a Declaration of our Rights, which was in thirteen Articles; and the most considerable, viz. *That the raising and keeping up a Standing Army in times of Peace is contrary to Law*, had tack'd to it these words, *without Authority of Parliament*; as if the Consent of the Parliament would not have made it Legal without those words, or that their Consent would make it less dangerous. This made the Jacobites say in those early days, that some evil Counsellors design'd to play the same Game again of a *Standing Army*, and attributed unjustly the neglect of Ireland to the same Cause, because by that Omission it was made necessary to raise a greater Army to reduce it; with which the King acquainted the Parliament the 8th of March, when speaking of the deplorable Condition of Ireland, he declar'd he thought it not advisable to attempt the reducing it with less than 20000 Horse and Foot. This was a bitter Pill to the Parliament, who thought they might have manag'd their share of the War with France at Sea; but there was no Remedy, a greater Army must be rais'd, or Ireland lost: and to gild it, all the Courtiers usher'd in their Speeches with this Declaration, That they would be the first for disbanding them when the War was over; and this Declaration has been made as often as an Army has been debated since during the War, and I suppose punctually observ'd last Sessions.

At last the thing was consented to, and the King issu'd forth Commissions for the raising of Horse, Foot, and Dragoons. In this Army very few Gentlemen of Estates in Ireland could get Employments, tho' they were in a miserable Condition here, and made their utmost Application for them; it being a common Objection by some Colonels, that a Man had an Estate there, which in all likelihood would have made him more vigorous in reducing the Kingdom. It was long after this Army was rais'd, before they could be ready to be transported; and even then it was commonly said that Schomberg found many things out of order: and when they were at last transported, which was about the middle of August, they were not in a condition to fight the Enemy, tho' lately baffled before Londonderry, especially their Carriages coming not to them till the 24th of September, when it was high time to go into Winter-quarters. By this means the Irish got Strength and Courage, and three fourths of our Army perish'd at the Camp at Dundalk.

But tho' our Army could do nothing, yet the Militia of the Country, almost without Arms or Clothes, perform'd Miracles, witness that memorable Siege of Londonderry, the defeat of General Mackarty, who was intrench'd in a Bog with ten thousand regular Troops, and attack'd by fifteen hundred Inniskilling Men, defeated, himself made a Prisoner, and three thousand of his Men kill'd; and a great many other gallant Actions they perform'd, for which they were dismiss'd by Kirk with Scorn and Ignominy, and most of their Officers left to starve. Thus the War in Ireland was nurs'd up, either thro' Chance, Inadvertency, or the necessity of our Affairs (for I am unwilling to think it was Design) till at last it was grown so big, that nothing less than his Majesty's great Genius, and the usual Success that has always attended his Conduct, could have overcome it.

When the Parliament met that Winter, they fell upon the examination of the Irish Affairs; and finding Commissary Shales was the Cause of a great part of the Miscarriages, they address'd his Majesty that he would be pleas'd to acquaint the House who it was that advis'd the employing him, which his Majesty did not remember.

ber. They then address'd, that he would be pleas'd to order him to be taken into Custody, and it was done accordingly: Upon which *Shailes* sent a Letter to the Speaker, desiring he might be brought over to *England*, where he would vindicate himself, and justify what he had done. Then the House address'd his Majesty again, that he might be brought over with all convenient speed; and the King was pleas'd to answer, that he had given such Orders already. Then the House refer'd the Matter to a private Committee; but before any Report made, or *Shailes* could be brought to *England*, the Parliament was prorogu'd, and after dissolv'd; and soon after he fell sick and died.

The neglect of *Ireland* this Year made it necessary to raise more Forces, and increase our Establishment, which afterwards, upon pretence of invading *France*, was advanc'd to eighty seven thousand six hundred ninety eight Men. At last by our great Armies and Fleets, and the constant Expence of maintaining them, we were too hard for the Oeconomy, Skill and Policy of *France*; and notwithstanding all our Difficulties, brought them to Terms both Safe and Honorable.

It not being to the purpose of this Discourse, I shall omit giving any account of the Conduct of our Fleet during this War, how few Advantages we reap'd by it, and how many Opportunities we lost of destroying the *French*: Only thus much I will observe, tho a great part of it may be attributed to the Negligence, Ignorance, or Treachery of Inferior Officers, yet it could not so universally happen thro the whole course of the War, and unpunish'd too, notwithstanding the Clamours of the Merchants, and repeated Complaints in Parliament, unless the Cause had laid deeper: What that is, I shall not presume to enquire; but I am sure there has been a very ill Argument drawn from it, viz. *That a Fleet is no Security to us.*

Foreign
Forces dis-
charg'd af-
ter the
Peace in
Ireland.

As soon as the Peace was made, his Majesty discharg'd a great part of the foreign Forces; and an Advertisement was publish'd in the *Gazet*, that ten Regiments should be forthwith disbanded; and we were told, as soon as it was done, that more should follow their Example. But these Resolutions it seems were alter'd, and the modish Language was, that we must keep up a *Standing Army*. Their Arguments were turn'd topsy-turvy; for as during the War the People were prevail'd upon to keep up the Army in hopes of a Peace, so now we must keep them up for fear of a War.

The Condition of *France*, which they had been decrying for many Years, was now magnify'd: We were told, that it was doubtful whether the *French* King would deliver up any of his Towns; that he was preparing a vast Fleet upon the Lord knows what Design; that it was impossible to make a Militia useful: That the war-like King *Jemmy* had an Army of eighteen thousand *Irish* Heroes in *France*, who would be ready when call'd for, and that the King of *Spain* was dying. The Members of Parliament were discours'd with as they came to Town; 'twas whisper'd about, that the Whigs would be all turn'd out of Employments: A new Plot was said to be discover'd for murdering the King, and searches were made at Midnight thro the whole City, to the discovery of plenty of Fornicators, but no Traytors. The Place-mongers consulted among themselves, and found by a wonderful Sympathy they were all of one Opinion; and if by any means they could get a few more to be of the same, the day was their own: So they were positive of Success, and very sure they should carry it by above a hundred Voices.

Debates in
the H. of
Com. about
disbanding
all the
Forces.

The House had not sat a week but this Matter came to be debated; and the Question in the Committee was, *Whether all Forces rais'd since the Year 80 should be disbanded?* Which was carry'd in the Affirmative, the Court being not able to bring it to a Division; and the next day when it was reported, they did not attempt to set aside the Vote, but to recommit it, upon pretence it tied the King to the old Tory Regiments (tho by the way, none of those Regiments have been since disbanded) and some said they thought the Forces in 80 too many. I can safely say, tho I had frequent discourse with many of them, yet I never heard any one of them at that time pretend to be for a greater Force than this Vote left the King: But let what will be their Reasons, it was carried against them by a majority of 37, the Affirmatives being 185, and the Negatives 148. I will not here take notice of what some People have said, viz. *That of the 148 who were for recommitting the Vote, 116 had Places*, because I doubt the Fact; nor do I believe their Places would bias them.

This was a thorow Victory, and requir'd great skill and address to retrieve. The Fears of *France* were again multiply'd; and 'twas said there was a private Ar-
ticle

title that King James was to leave France, which the French refus'd to perform; that Boufflers and the Earl of Portland had given one another the Lie; that some of the latter's Retinue had been kill'd; that the French Ambassador was stop'd, the King of Spain dead, and abundance more to this purpose. The Club was set up at the R—, great Applications made; the Commission of the Excise was declar'd to be broke (by which nine Commissioners Places were to be dispos'd of, and above forty Persons nam'd for them) and many of the Country Gentlemen were gone home. Thus recruited they were ready for a new Encounter: and since by the Rules of the House they could not set aside the former Vote directly, they'd try to do it by a side Wind; which was by moving, that Directions might be given to the Committee of Ways and Means to consider of a Supply for Guards and Garisons: But the other side, to obviate this, offer'd these words as an Amendment, viz. According to the Vote of Decemb. 11. This Matter was much labour'd, and the Gentlemen that were against the Army explain'd themselves, and declar'd, they were not for obliging the King to the Regiments in 80; but that they only insisted on the Number, and he might chuse what Regiments he pleas'd. By this means they carry'd it, but not without great opposition (tho I presume from none of those Gentlemen who declar'd in all Places, they were for recommitting the former Vote only for the Reasons before given) besides, they were forc'd to explain themselves out of a considerable part of it, for they allow'd the King the Dutch Regiments, and the Tangeriners: which in my Opinion could not be well understood by the former Vote; the meaning of which seems to be, that the King should have all the Forces that Charles the Second had in 80 in England, and these were not then here; the Holland Regiments being paid by the States, and their Soldiers; and the others 500 Leagues off at Tangier. But all this Advantage would not satisfy the Army-Gentlemen; for in the Committee they endeavour'd again to set aside the Vote, by moving for a Sum of 500000 Pounds per annum for Guards and Garisons, without naming any certain number (which would have maintain'd above 20000) but this could not be carried: therefore they came to a sort of Composition, to have but 10000, whereof a great number were to be Horse and Dragoons; and the Sum given to maintain them was 350000 Pounds. But notwithstanding this, they mov'd afterwards for 3000 Marines (alledging that these were not a Land-Force, but a Water-Force) which was carried.

Here I would beg leave to observe one thing, that nothing would satisfy the Courtiers at the beginning of the Winter, but to have the Forces establish'd by the Parliament, and upon other terms they would not accept them; and in all Companies said, that any Minister that advis'd the King to keep them up otherwise, or any Officer that continu'd his Commission, ought to be attainted of High Treason: About which I shall not differ with these Gentlemen, nor do I arraign them for altering their Opinion; for perhaps they may conceive that a Vote to give 350000 Pounds for Guards and Garisons, is a sufficient Authority against Law to quarter Soldiers in all parts of England, as well out of Garisons as in 'em, and as well at a distance from the King's Person as about it.

Courtiers
for Stand-
ing Forces.

Thus what our Courts for above a thousand Years together had never Effrontery enough to ask; what the Pensioner Parliament could not think of without astonishment, what King James's Parliament (that was almost chosen by himself) could not hear debated with patience, we are likely to have the honour of establishing in our own Age, even under a Deliverance.

Now we will examine how far they have comply'd with the Resolutions of the House of Commons. Having so far gain'd upon the first Vote by the means before related, 'twas not easy to be imagin'd but they would nicely perform the rest without any Art or Evasion: But instead of this, they reform'd a certain number of Men out of every Troop and Company, and kept up all the Officers who are the most essential and chargeable part of an Army, the private Soldiers being to be rais'd again in a few days whenever they please. This is such a disbanding as every Officer would have made in his Company for his private Advantage, and always did in Charles the Second's Time, and even in this Reign when they were not in action: So that all the effect of such a Reform, is to hinder the Officers from false Musters, and save the Pay of a few common Soldiers.

Managers
of the
House.

But this would not satisfy the People, and therefore they disbanded some Regiments of Horse, Foot and Dragoons, and thought of that profound Expedient of sending a great many more to Ireland; as if our Grievance was not the fear of being enslav'd by them, but lest they should spend their Mony among us. I am

More For-
ces to be
sent to Ire-
land.

sorry the Nation is grown so contemptible in these Gentlemens Opinions, as to think that they can remove our fears of a *Standing Army* by sending them three-score miles off, from whence they may recal them upon a few days notice. Nay, an Army kept in *Ireland*, is more dangerous to us than at home: for here, by perpetual converse with their Relations and Acquaintance, some few of them perhaps may warp towards their Country; whereas in *Ireland* they are kept as it were in a Garison, where they are shut up from the Communication of their Countrymen, and may be nurs'd up in another Interest. This is so true, that 'tis a common Policy among Arbitrary Princes often to shift their Soldiers Quarters, lest they should contract Friendship among the Natives, and by degrees fall into their Interest.

It may be said perhaps, That the People of *Ireland* will pay them; which makes the matter so much the worse, for they are less likely to have any regard to their Country. Besides, if we consider the Lords Justices Speech to that Parliament, wherein they are let know that his Majesty *EXPECTS* that they will continue the Subsistence to the disbanded Officers, and support the present Establishment (which by the way is near three times as great as *Charles* the Second's) and this without any other Ceremony or Qualification of Time (with which his Majesty was pleas'd to express himself to his *English* and *Scotch* Parliaments) we may be convinc'd that they are not in a condition to dispute this Matter, especially at a time when they apprehend Hardships will be put upon them in relation to their Trade; and therefore we may be sure they will gratify the Court to the utmost of their Power, in hopes, if they can't prevent the passing a Law against them, to obtain a connivance in the Execution. We may add, by this means they will keep their Mony in their own Country, a great part whereof came formerly to *England*, and have an opportunity of returning the Complement we design'd them last Year, if we don't prevent it by disbanding the Army there, as *Strafford's* Army in *Ireland* was formerly in the 15th of *Charles* the First, and lately another in 78 by our *English* Parliaments.

Pretences
of sending
Forces into
Ireland.

I can't avoid taking notice here, how different the modish Sentiments are in *Ireland* and *England*: for there the Language is, We must comply with the Court in keeping up the Army, or else the Woollen Manufacture is gone; and here the Men in fashion tell us, that an Army must be kept in *Ireland* to destroy the Woollen Manufacture, and execute the Laws we make against them; and in order to it the People of *Ireland* are to pay them.

This Project of sending Men to *Ireland* was so transparent, that they durst not rely upon it; and therefore they told us, that as fast as Mony could be got they would disband more Regiments. The People were in great expectation when it would be done, and several times it was taken notice of in Parliament; and the Courtiers always assur'd them, nothing hindred it but the want of Mony to pay them off. 'Twas confidently said in all publick Places, that eighteen Regiments more would be disbanded, and the Regiments were nam'd; and I have heard it with great Assurance affirm'd, by the Agents and Officers themselves, that the King had sign'd it in Council. Thus the Session was worn out, till the House of Commons tir'd with Expectation, address'd his Majesty, That he would be pleas'd to give order that a List be laid before the House of the Army disbanded, and intended to be disbanded, and of the Officers Names who are to have half pay: and his Majesty was pleas'd to answer, That he would comply with the Desires of the House as soon as conveniently he could. But the Parliament sitting not above a Month afterwards, his Majesty sent them no farther Answer.

Foreign
Forces sent
into *Ireland*.

At last the Parliament rose, and instead of disbanding, they brought over a great many Foreign Regiments, and sent them to *Ireland*, as well as three more *English* ones. But even all this would not bring their Army in *England* down to ten thousand Men; so that they made another Reform, and since have incorporated the Officers of the disbanded Regiments in *Ireland* into the Standing Troops, by which means they have got an Army of Officers: Whereas if these Gentlemen design their Army to defend us against a sudden Invasion, or to be in readiness against the King of *Spain's* death; in my poor Opinion they should have kept up the private Soldiers, and disbanded all the Officers but such as were just necessary to exercise them; for Officers will be always ready to accept good Employments, whereas the private Soldiers will be very difficultly lifted again in a new War, tho we all know they are easily to be got together when they are only to insult their Countrymen.

One good Effect of this Army has already appear'd ; for I presume every body has heard how prevailing an Argument it was in the late Elections, *That if we choose such a Man, we shall be free from Quarters* ; and I wish this Argument does not every day grow stronger. Nay, who knows but in another Reign the Corporations may be told that his Majesty *expects* they will chuse the Officers of the Army, and the Parliament be told that he *expects* they will maintain them?

But to set this Matter in a full view, I will here put down the Establishment of King Charles the Second in 88, which was the Foundation of the Vote of the 11th of December, as also his present Majesty's: And in this, as well as my other Computations, I do not pretend but I may be mistaken in many Particulars, tho I have taken what care I could not to be so; nor is it material to my purpose, so the Variation from Truth is not considerable.

I shall also set down King William's Establishment as the Regiments were before the Reform, because all the Officers still remain, and a great part of the private Soldiers, which I take to be in effect full Regiments; the rest being to be rais'd again in a few days if they are design'd for home Service; but, as I said before, the hardest to be got if they are design'd for Spain or Flanders. But herein if any Man differs from me, he may make his own Deductions.

The Establishment of Charles the Second in England in the Year Eighty.

Horse and Dragoons in England.

	Troops and Companies.	Commission Officers.	Non-Commissioned Officers.	Private Men.	Total Number.
Troops of Guards	3	48	15	600	66
The Royal Regiment of Horse	8	34	40	400	474
A Troop of Dragoons rais'd in July 1680.	1	4	8	40	52
Total Horse and Dragoons	12	86	63	1040	1189

Foot in England.

Gentlemen Pensioners	1	6	0	40	46
Yeomen of the Guard	1	7	0	100	107
The first Regiment of Foot-Guards	24	75	192	1440	1707
The Coldstream Regiment	12	39	96	720	855
The Duke of York's Regiment	12	39	96	630	765
The Holland Regiment	12	39	96	600	735
Independent Companies	26	78	208	1260	1546
Total Foot in England.	88	283	688	4790	5761

King Charles the Second's Establishment in Ireland in the Year Eighty.

Troops of Horse	24	96	196	1080	1372
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His Foot in Ireland.

	Troops and Com- panies.	Com- mis- Offi- cers.	Non- Com- mis. Of- ficers.	Private Men.	Total Number.
Yeomen of the Guard	1	3	0	60	63
A Regiment of Guards	12	40	99	1120	1259
Single Companies	74	222	444	4440	5166
Total Foot in Ireland	87	265	543	5620	6428

I have not here put down the Garison of *Tangier*, which was about three thousand Men, because that Place is now lost, and consequently wants no Garison. I will now set down his present Majesty's Establishment, and then compare them both together.

Horse and Dragoons upon the English Establishment.

Three Troops of Horse Guards	3	48	15	600	663
One Troop of Dutch Guards	1	15	5	200	220
One Troop of Horse Granadiers	1	11	20	180	211
Lord Oxford's Regiment	9	40	45	531	616
Lord Portland's Horse Dutch Regiment	9	42	54	603	699
Lumley's Regiment	9	40	45	531	616
Wood's	6	28	36	354	412
Arran's	6	28	36	354	412
Windham's	6	28	36	354	412
Schomberg's	6	28	36	354	412
Macclesfield's	6	28	36	354	412
Raby's Dragoons	8	37	72	480	589
Flood's Dragoons	8	37	72	480	589
Lord Effex's Dragoons	8	37	72	480	589
Total Horse and Dragoons in England	86	447	580	5855	6876

Foot on the English Establishment.

Gentlemen Pensioners	1	6	0	40	46
Yeomen of the Guard	1	7	0	100	107
Lord Rumney's four Battalions	28	99	222	2240	2563
Lord Cutts's two Battalions	14	51	112	1120	1283
The blew Guards a Dutch Regiment, four Bat- talions	26	96	208	2366	2670
Earl of Orkney's a Scotch Regiment	26	83	108	1560	1656
Selwin's	13	44	104	780	928
Churchil's	13	44	104	780	928
Trelawney's	13	44	104	780	928
Earle's	13	44	104	780	928
Seymour's	13	44	104	780	928
Colt's	13	44	104	780	928
Mordant's	13	44	104	780	928
Sir David Collier's	13	44	104	780	928
Sir Charles Haro's Fusileers in Jersey	13	46	104	780	930
Collingwood's	13	46	104	780	928
A Company at Upnor Castle	1	2	6	50	58
Total Foot in England	227	793	1796	15276	17865

Horse

Horse and Dragoons upon the Irish Establishment.	Troops and Companies.	Com-mis. Officers.	Non-Com-mis. Officers.	Private Men.	Total Number.
Luson's	6	42	30	354	412
Langston's	6	42	30	354	412
Lord Galloway's a French Regiment	9	113	45	531	689
Ross's Dragoons	8	37	72	480	589
Ecklins's	8	37	72	480	589
Cunningham's	8	37	72	480	589
Mermon's a French Regiment.	8	74	144	480	698
Total Horse and Dragoons in Ireland	53	338	465	3159	3962

Foot upon the Irish Establishment, with the disbanded Officers incorporated.

Fairfax's	13	66	104	780	950
Collumbine's	13	66	104	780	950
Webb's	13	66	104	780	950
Granvill's	13	66	104	780	950
Brewer's	13	66	104	780	950
Jacob's	13	66	104	780	950
How's	13	66	104	780	950
Steward's	13	66	104	780	950
Hanmore's	13	66	104	780	950
Titcomb's	13	66	104	780	950
Stanley's	13	66	104	780	950
Bridges's	13	66	104	780	950
Fr. Hamilton's	13	66	104	780	950
Ingoldsby's	13	66	104	780	950
Pisar's	13	66	104	780	950
Bellasis's	13	66	104	780	950
Gustavus Hamilton's	13	66	104	780	950
Tiffany's	13	66	104	780	950
Martoon's a French Regiment	13	83	104	780	967
Lamellioner's a French Regiment	13	83	104	780	967
Belcastle's a French Regiment	13	83	104	780	967
Holt's Regiment in the West-Indies, which is not upon the Irish Establishment	13	44	104	780	928
Total Foot in Ireland	286	1481	2288	17160	20929

I will now compare both Establishments together.

Charles the 2d's Horse in Eighty in England	12	86	63	1040	1189
His Foot in England	88	283	688	4790	5761
His Horse and Foot in England	100	369	751	5830	6950

His Establishment in Ireland.

His Horse in Ireland	24	96	196	1080	1372
His Foot in Ireland	87	265	543	5620	6428
His Horse and Foot in Ireland	111	361	739	6700	7800

<i>All his Army in England and Ireland.</i>	<i>Troops and Companies.</i>	<i>Commission Officers.</i>	<i>Non-Commissioned Officers.</i>	<i>Private Men.</i>	<i>Total Number.</i>
His Horse in <i>England and Ireland</i>	36	182	259	2120	2561
His Foot in <i>England and Ireland</i>	175	548	1231	10410	12189
All his Army in <i>England and Ireland</i>	211	730	1490	12530	14750

King William's Establishment.

His Horse in <i>England</i>	86	441	580	5855	6876
His Foot in <i>England</i>	227	793	1796	15276	17865
All his Forces in <i>England</i>	313	1234	2376	21131	24741

His Establishment in Ireland.

His Horse in <i>Ireland</i>	53	338	465	3159	3962
His Foot in <i>Ireland</i>	286	1481	2288	17160	20929
All his Forces in <i>Ireland</i>	339	1819	2753	20319	24891

All his Army in England and Ireland.

His Horse and Dragoons in <i>England and Ireland</i>	139	779	1045	9014	10838
His Foot in <i>England and Ireland</i>	513	2274	4084	32436	38794
All his Army in <i>England and Ireland</i>	652	3053	5129	41450	49632

So that his present Majesty in *England and Ireland* alone, has above three times as many Troops and Companies as *Charles the Second* had in the year Eighty, almost five times as many Commission Officers, near four times as many Non-Commission Officers: and when the Commanders shall have Orders to recruit their Companies, will have more than three times the number of common Soldiers, besides the disbanded Officers which are not incorporated into other Regiments; and upon the Establishment they now stand, are as much Creatures to the Court, as if their Regiments were in being.

His Majesty's Forces in Scotland, which in the Year Eighty consisted of 2806 Men.

The Troop of Guards	1	15	5	120	140
The Royal Regiment of Dragoons	8	37	72	320	429
Jedborough's Dragoons	6	27	54	240	321
The Royal Regiment of Foot Guards	16	51	128	912	1091
Rew's Fusileers	16	51	128	640	819
Collier or Hamilton's	16	51	128	640	819
Maitland's	16	51	128	640	819
In Garisons	4	12	24	295	331
All his Forces in <i>Scotland</i>	83	295	667	3807	4769

These Forces are as they are now reduc'd and allow'd by the Parliament of *Scotland*, for Reasons best known to themselves; which without doubt must be very good

good ones: and 'tis commonly said, that ten Privy Counsellors of that Kingdom, who appear'd against the Army, are turn'd out of the Council; which, if true, I presume will be a sufficient warning to our Gentlemen at home.

However, there is this use in the *Scotch Army*, that if the Parliament of *England* shall be prevail'd on to think any Forces necessary, a lesser number will be sufficient.

His Majesty's Forces in Holland.

	Troops and Com- panies.	Com- mission Offi- cers.	Non- Com- mis. Of- ficers.	Private Men.	Total Number.
Lawder's	13	44	104	780	928
William Collins	13	44	104	780	928
Murray's	13	44	104	780	928
Ferguson's	13	44	104	780	928
Stranaver's	13	44	104	780	928
	13	44	104	780	928
All the Forces in Holland.	78	264	624	4680	5568
So that his Majesty's whole Army consists of	813	3612	6420	49937	59969

Of these seven thousand, eight hundred, and seventy seven, are Foreigners, which is the first foreign Army that ever set foot in *England* but as Enemies.

Since the writing of this I am inform'd, that *Brudenal's* Regiment is in being, and that *Eppinger's* Dragoons are in *English* Pay, which if true, will make the whole Army sixty odd thousand Men: but in this as well as many other Parts of the List I may be mistaken, for which I hope I shall be excus'd, when I acquaint the Reader that I was forc'd to pick it out from accidental Discourses with Officers, having apply'd to my Lord R — 's Office without Success, tho I made such Interest for it as upon another occasion would not have been refus'd.

If the Prince of *Orange* in his Declaration, instead of telling us that we should be settl'd upon such a Foundation that there should be no danger of our falling again into Slavery, and that he would send back all his Forces as soon as that was done, had promis'd us that after an eight Years War (which would leave us in Debt near twenty Millions) we should have a Standing Army establish'd, a great many of which should be Foreigners, I believe few Men would have thought such a Revolution worth the hazard of their Lives and Estates: But his mighty Soul was above such abject thoughts as these; his Declaration was his own, these paltry Designs are our Undertakers, who would shelter their own Oppressions under his sacred Name.

I would willingly know whether the late King *James* could have inflav'd us but by an Army, and whether there is any way of securing us from falling again into Slavery but by disbanding them. It was in that Sense I understood his Majesty's Declaration, and therefore did early take up Arms for him, as I shall be always ready to do. It was this alone which made his Assistance necessary to us, otherwise we had wanted none but the Hangman's.

I will venture to say, that if this Army does not make us Slaves, we are the only People on Earth in such Circumstances that ever escap'd it with the 4th part of their number. It is a greater Force than *Alexander* conquer'd the *East* with, than *Cesar* had in his Conquest of *Gaul*, or indeed the whole *Roman Empire*; double the number that any of our Ancestors ever invaded *France* with, *Agesslaus* the *Persians*, or *Huniades* and *Scanderbeg* the *Turkish Empire*; as many again as was in any Battel between the *Dutch* and *Spaniards* in forty Years War, or betwixt the King and Parliament in *England*; four times as many as the Prince of *Orange* landed with in *England*; and in short, as many as have been on both sides in nine Battels of ten that were ever fought in the World. If this Army does not inflave us, it is barely because we have a virtuous Prince that will not attempt it; and 'tis a most miserable thing to have no other Security for our Liberty, than the Will of a Man, tho the most just Man living:

for that is not a free Government where there is a good Prince (for even the most arbitrary Governments have had sometimes a Relaxation of their Miseries) but where it is so constituted, that no one can be a Tyrant if he would. *Cicero* says, tho a Master does not tyrannize, yet 'tis a lamentable consideration that it is in his Power to do so; and therefore such a Power is to be trusted to none, which if it does not find a Tyrant, commonly makes one; and if not him, to be sure a Successor.

Whigs Principles in K. Charles II. Reign.

If any one during the Reign of *Charles* the Second, when those that were call'd Whigs, with a noble Spirit of Liberty, both in the Parliament House and in private Companies, oppos'd a few Guards as Badges of Tyranny, a Destruction to our Constitution, and the Foundations of a Standing Army: I say, if any should have told them that a Deliverer should come and rescue them from the Oppressions under which they then labour'd; that *France* by a tedious and consumptive War should be reduc'd to half the Power it then had; and even at that time they should not only be passive, but use their utmost Interest, and distort their Reason to find out Arguments for keeping up so vast an Army, and make the Abuses of which they had been all their Lives complaining, Precedents to justify those Proceedings; whoever would have told them this, must have been very regardless of his Reputation, and been thought to have had a great deal of ill nature. But the truth is, we have liv'd in an Age of Miracles, and there is nothing so extravagant that we may not expect to see, when surly Patriots grow servile Flatterers, old Commonwealthsmen declare for the Prerogative, and Admirals against the Fleet.

Pretences for the Standing Forces.

But I wonder what Arguments in nature our Hirelings will think of for keeping up an Army this Year. Good Reasons lie within a narrow Compass, and might be guessed at; but Nonsense is infinite. The Arguments they chiefly insist'd upon last Year were, That it was uncertain whether the *French* King would deliver up any of his Towns if we disbanded our Army; that King *James* had 18000 Men at his Devotion kept by the King of *France*; that a great Fleet was preparing there upon some unknown Design; that the King of *Spain* was dying; that there was no Militia settl'd; and that they would keep them up only for a Year to see how the World went. This with a few Lies about my Lord *Portland's* and *Bouffler's* quarrelling, and some Prophecies of our being invaded in six Months, was the Substance of what was said or printed.

Places given up by the French.

Now in fact the *French* King has deliver'd up *Giron*, *Roses*, *Belver*, *Barcelona*, and a great part of the Province of *Catalonia*; the Town and Province of *Luxemburg*, and the County of *Chiny*; the Towns of *Mons*, *Charleroy*, *Courtray*, and *Aeth* in the *Spanish* Provinces, to the King of *Spain*.

The Town of *Dinant* to the Bishop of *Leige*.

The Towns of *Pignerol*, *Cazal*, *Susa*, *Montmelian*, *Nice*, *Villa Franca*, all *Savoy*, and part of *Piemont* to the Duke of *Savoy*.

The Cities of *Treves*, *Germensheim*, and the Palatinate; the County of *Spanheim*, *Veldentz*, and Dutchy of *Deuxponts*; the County of *Mombelliand*, and some Possessions of *Burgundy*; the Forts of *Kiel*, *Friburg*, *St. Peterfort*, *Destoile*; the Town of *Philipsburg*, and most of *Alsace*, *Eberenburg*, and the Dutchy of *Lorrain* to the Empire: has demolish'd *Hunningen*, *Montroyal* and *Kernburg*.

He has deliver'd up the Principality of *Orange* to the King of *England*.

These are vast Countries, and contain in bigness as much ground as the Kingdom of *England*, and maintained the King of *France* above 100000 Men; besides, he had laid out vast Sums in the Fortifications he deliver'd up and demolish'd. Add to this, his Kingdom is miserably impoverish'd and depopulated by this War; his Manufactures much impair'd; great Numbers of Offices have been erected, which like Leaches draw away the Peoples Blood; prodigious Debts contracted, and a most beneficial Trade with *England* lost. These things being consider'd, there can be little danger of their shewing overmuch Wantonness, especially for some Years: yet still we must be bullied by the name of *France*, and the Fear of it must do what their Power could never yet effect: which is a little too gross, considering they were enslav'd by the same means. For in *Lewis* the 11th's time, the *French* gave up their Liberties for fear of *England*, and now we must give up ours for fear of *France*.

Secondly, Most of King *James's* *English* and *Irish* Forces which we have been so often threaten'd with, are disbanded; and he is said to subsist upon his Majesty's Charity, which will be a sufficient Caution for his good Behaviour.

Thirdly,

Thirdly, The French Fleet, which was another Bugbear, exceeded not this Year twenty Sail, nor attempted any thing, tho we had no Fleet out to oppose them.

Fourthly, The King of Spain is not dead, nor in a more dangerous Condition than he has been for some Years; and we are not without hopes that his Majesty by his extraordinary Prudence has taken such care as to prevent a new War in case he should die.

Fifthly, As to the Militia, I suppose every Man is now satisfy'd that we must never expect to see it made useful till we have disbanded the Army. I would not be here understood to throw the whole Odium of that matter upon the Court, for there are several other Parties in England that are not overzealous for a Militia. First, Those who are for restoring King James's Trumpery, and would have the Army disbanded, and no Force settled in the room of it. Next, there are a mungrel sort of Men who are not direct Enemies to the King, yet because their fancied Merit is not rewarded at their own Price, they are so shagreen that they will not let him have the Reputation of so noble an Establishment. Besides these, there are others that having no Notion of any Militia but our own, and being utterly unacquainted with antient and modern History, think it impracticable: and some wretched things are against it because of the Charge; whereas if their Mothers had taught them to cast account, they would have found out that 52000 Men for a Month will be but the same charge to the Subject as four thousand for a Year, supposing the Pay to be the same; and reckoning it to be a third part greater, it will be equivalent to the Charge of 6000: And if we should allow them to be out a Fortnight longer than was design'd by the last Bill for exercising in lesser Bodies, then the utmost Charge of such a Militia will be no more than to keep up 9000 Men the year round. None of the Parties I mention'd will openly oppose a Militia, tho they would be all glad to drop it; and I believe no body will be so hardy as to deny, but if the Court would shew as much Vigor in prosecuting it, as they did last Year to keep up a *Standing Army*, that a Bill would pass; which they will certainly do if we disband the Army, and they think it necessary; and if they do not, we have no reason to think an Army so. When they tell us we may be invaded in the mean time, they are not in earnest; for we all know if the King of France has any Designs, they look another way: Besides, he has provided no Transports, nor is in any readiness to make an Invasion; and if he was, we have a Fleet to hinder him; nay, even the Militia we have in London and some other Counties, are moderately exercis'd: and I believe those who speak most contemptibly of them, will allow 'em to have natural Courage, and as good Limbs as other People; and if they will allow nothing else, then here is an Army of a hundred or sixscore thousand Men ready listed, regimented, hors'd and arm'd: and if there should be any occasion, his Majesty can put what Officers he pleases of the old Army over them, and the Parliament will be sitting to give him what Powers shall be necessary. We may add to this, that the disbanded Soldiers in all probability will be part of this Body; and then what fear can there be of a scrambling Invasion of a few Men?

No hopes of making the Militia useful.

I have avoided in this place discoursing of the Nature of Militias, that Subject having been so fully handled already; only thus much I will observe, that a Standing Army in Peace will grow more effeminate by living dissolutely in Quarters, than a Militia that for the most part will be exercis'd with hard Labour. So that upon the whole Matter, a Standing Army in Peace will be worse than a Militia; and in War a Militia will soon become a disciplin'd Army.

Sixthly, The Army has been kept up for a Year, which is all was pretended to; and notwithstanding their Prophecies, we have had no Invasion, nor danger of one.

Lastly, The Earl of Portland and Marshal Boufflers were so far from quarrelling, that perhaps no English Ambassador was ever receiv'd in France with more Honour.

But further, there is a Crisis in all Affairs, which when once lost, is never to be retriev'd. Several Accidents concur to make the disbanding the Army practicable now, which may not happen again. We have a new Parliament, uncorrupted by the Intrigues of the Courtiers: Besides, the Soldiers themselves hitherto have known little but the Fatigues of a War, and have been so paid since, that the private Men would be glad to be disbanded; and the Officers would not be very uneasy at it, considering they are to have half Pay, which we must not expect from them hereafter when they have liv'd in Riot and Luxury. Add to this, we have a good

Accidents concurring for disbanding the Army now.

Prince, whose Inclinations as well as Circumstances will oblige him to comply with the reasonable Desires of his People. But let us not flatter our selves, this will not be always so. If the Army should be continu'd a few Years, they will be accounted part of the Prerogative, and 'twill be thought as great a violation to attempt the disbanding them, as of the Guards in *Charles the Second's* Time; it shall be interpreted a Design to dethrone the King, and be made an Argument for keeping them up.

More Reasons for disbanding.

But there are other Reasons yet: The Publick Necessities call upon us to contract our Charge that we may be the sooner out of Debt, and in a condition to make a new War: and 'tis not the keeping great Armies on foot that will enable us to do so, but putting our selves in a capacity to pay them. We have had the experience of this in eight years War; for we have not been successful against *France* in one Battel, and yet we have weigh'd it down by mere natural Strength, as I have seen a heavy Country Booby sometimes do a nimble Wrestler: And by the same Method (not our Policy, Oeconomy, or Conduct) we must encounter them hereafter, and in order to it should put our selves in such Circumstances, that our Enemies may dread a new Quarrel, which can be no otherwise done, but by lessening our Expences, and paying off the Publick Engagements as fast as we are able. 'Tis a miserable thing to consider that we pay near 4000000 *l.* a Year upon the account of Funds, no part whereof can be apply'd to the Publick Service, unless they design to shut up the *Exchequer*; which would not be very prudent to own. I would therefore ask some of our Men of Management; Suppose there should be a new War, how they propose to maintain it? For we all now know the end of our Line, we have nothing left but a Land-Tax, a Poll, and some few Excises, if the Parliament can be prevail'd on to consent to them. And for once I will suppose, that all together, with what will fall in a Twelvemonth, will amount to 3000000 *l.* and a half, which is not probable; and we will complement them, by supposing they shall not in case of a new War give above fourteen or fifteen *per cent.* for Premiums and Interest, then the Remainder will be 3000000 *l.* I believe I may venture to say, they will not be very fond of lessening the Civil List, and lose their Salaries and Pensions. Then if we deduct 700000 pounds *per annum* upon that account, there will be 2300000 pounds *per annum* for the use of the War, if the People pay the utmost Penny they are able. So that the Question will not be as in the last War, how we shall carry it on against *France* at large, but how 2300000 pounds shall be dispos'd of to the greatest Advantage; which I presume every one will believe ought to be in a good Fleet.

Necessity of a new War if the K. of Spain dies.

This leads me to consider what will be the best, if not the only way of managing a new War in case of the King of *Spain's* Death, and a new Rupture with *France*; and I will suppose the Nation to be as perfectly free from all Incumbrances as before the War. Most Men at this time of day, I believe, will agree with me, that 'tis not our Business to throw Squibs in *Flanders*, send out vast Sums of Money to have our Men play at bopeep with the *French*, and at best to have their Brains beat out against stone Walls: But if a War is necessary there, 'tis our Interest to let the *Dutch* and *Germans* manage it, which is proper for their Situation, and let our Province be to undertake the Sea. Yet if we have not Wit and Honesty enough to make such a Bargain with them, but that we bring our selves again to a necessity of maintaining Armies there, we may hire Men from *Germany* for half the Price we can raise them here, and they will be sooner ready than they can be transported from hence, that Country being full of Men, all Soldiers inur'd to Fatigue, and serving for much less Pay than we give our own: Besides, we shall carry on the War at the Expence of others Blood, and save our own People, which are the Strength and Riches of all Governments; we shall save the Charge of providing for the Officers when the War is done, and not meet with such Difficulties in disbanding them.

Project of sending Forces into Spain and Flanders.

There are some Gentlemen that have started a new Method of making War with *France*, and tell us it will be necessary to send Forces to *Spain* to hinder the *French* from possessing that Country; and therefore we must keep them up here to be ready for that Service: which by the way is acknowledging the Horse ought to be disbanded, since I presume they don't design to send them to *Spain*. But to give this a full Answer, I believe it is every one's Opinion that there ought to be a strong Fleet kept up at *Cales*, or in the *Mediterranean*, superior to the *French*; and then 'twill be easier and cheaper to bring the Emperor's Forces by the way of *Final* to *Spain*, than to send Men from hence; and they are more likely to be acceptable there, being of the

the same Religion, and Subjects to the House of *Austria*; whereas 'tis to be fear'd our Men would be in as much danger from that bigotted Nation as from the *French*: Besides, the King of *Portugal* is arming for his own defence; and a Sum of Money well dispos'd there, will enable him to raise double the Forces upon the spot as can be sent from hence with the same Charge.

But for once I will admit it necessary we should send Forces both to *Flanders* and *Spain*; yet 'tis no Consequence that we must keep up a *Standing Army* in *England* till that time comes. We may remember *Charles* the Second rais'd between twenty and thirty thousand Men to fight against *France* in less than forty days; and the Regiments this King rais'd the first Year of his Reign were compleated in a very short time: For my own part I am of Opinion, that a new Army may be rais'd before Ships and Provisions will be ready for their Transportation, at least if the management is no better than 'twas once upon a time; and perhaps it may happen that the King of *Spain* will not die in the Summer time, and then we shall have the Winter before us. We may add to this, that the King of *France* has disbanded a great many Men, that his Country now lies open in a great many Places; that the *Germans* and *Dutch* keep great numbers of Men in constant pay; and in all probability there will be a Peace with the *Turks*: That *Portugal* and the *Italian* Princes must enter into the Confederacy in their own defence; and that the *French* will lie under an equal necessity to raise Forces with a much less Country than in the former War, to oppose such a mighty Union of Princes, who will attack him on the first Attempt he makes upon *Spain*.

And after all, what's the mighty Advantage we propose by keeping this Force? Why forsooth, having a small number of Men more (for the Officers will always be ready, and now a great part of the private Soldiers are to be rais'd in case of a new War) ready six Weeks sooner to attack *France*. And I durst almost appeal to these Gentlemen themselves, whether so small a Ballance against *France* is equivalent to the hazard of our Liberties, destruction of our Constitution, and the constant Expence of keeping them up, to expect when the King of *Spain* will be pleas'd to die.

If these Gentlemen are really afraid of a new War, and don't use it as a Bugbear to fright us out of our Liberties, and to gain their little Party-ends, the way to bring the People into it heartily, is to shew them that all their Actions tend to the Publick Advantage, to lessen the National Expences, to manage the Revenue with the greatest Frugality, to postpone part of their own Salaries, and not grow rich while their Country grows poor, to give their hearty Assistance for appropriating the *Irish* Lands gain'd by the Peoples Blood and Sweat to the Publick Service, as was promis'd by his Majesty, and not to shew an unhappy Wit in punishing some Men, and excusing others for the same Fault, and spend three Months in Intrigues how to keep up a *Standing Army* to the dread of the greatest part of the Nation: for let them fancy what they please, the People will never consent to the raising a new Army till they are satisfy'd they shall be rid of them when the War is done; and there is no way of convincing them of that, but the disbanding these with willingness. When we see this done, we shall believe they are in earnest, and the People will join unanimously in a new War; otherwise there will always be a considerable part of the Nation (whatever personal Honour they have for his Majesty, or Fears of *France*) that will lie upon the Wheels with all their weight, and do them more harm than their Army will do them good.

To conclude, we have a wise and virtuous Prince, who has always endeavour'd to please his People by taking those Men into his Councils which they have recommended to him by their own Choice; and when their Interest has declin'd, he has gratify'd the Nation by turning them out. I would therefore give this seasonable Advice to those who were once call'd *Whigs*, that the way to preserve their Interest with his Majesty, is to keep it with the People; that their old Friends will not desert them till they desert their Country; which when they do, they will be left to their own proper Merits: and tho I am not much given to believing Prophecies, yet I dare be a Prophet for once, and foretel that then they will meet with the Fate of King *Phys.* and King *Ush.* in the *Rehearsal*, *Their new Masters will turn them off, and no Body else will take them.*

The King's Character.

A Let-

Printed
Jan. 1693.

A Letter to a Member of Parliament concerning Guards and Garisons.

S I R,

*The Author
once was
for a Stand-
ing Army.*

*His Opinion
of the De-
bates about
a Standing
Army.*

*The Affec-
tion the
Parlia-
ment has
shewn the
King in se-
veral In-
stances.*

I Am not asham'd to own that I was once of Opinion that a *Standing Army* was necessary, nor that I owe my Conversion to the printed Controversy upon that Subject, which was manag'd very unequally. On the one side there appears throughout the whole that irresistible Spirit of Truth which is inseparable from a good Cause: On the other part, there is so much Prevarication, such mumbling of Thistles, and drawing in their Breath every moment, and withal such weak Arguments, lowness of Thought, and flatness of Expression, that the Reader might be tempted to think they had lost their Wits with their Integrity. But this Controversy is now at an end, since the whole Body of the People in two Parliaments have given a Sanction to the juster Opinion, and (with a true *Roman* Resolution worthy their Illustrious Predecessors, worthy the noblest, the manliest, the best Cause in the World, the Cause of Liberty) have declar'd, that they have Courage, Honesty and Wisdom enough to defend themselves, and that they want no Keepers. Nor was this Debate carry'd on with that Heat and Faction which is often found in popular Assemblies; no levelling at the Ministry, nor wreaking their private Discontents under the notion of Publick Service. But it was manag'd with that Gravity, that Sedateness, that Candour, and yet with that Noble Constancy, as might convince the whole World that their Resolutions were the Results of the most mature Consideration, and unshaken Love to their Country, and Zeal for Liberty. This is declaring in Characters legible to all *Europe*, that it was not private Resentment, popular Faction, or a propensity to change, but a just sense of our Country's Liberty, that made us throw off our late Allegiance. It shows that we did not expel our King, but that we depos'd a Tyrant. Whereas if we had been so transported by our Fortune, so debauch'd in our Understandings, and so destitute of all sense of Love and Honour due to our Native Country, as to have allow'd that to one King for which we depos'd another, we had been the Scorn and Reproach of Mankind, and justly call'd *Traytors, Cowards, and Fools*.

However ungrateful this Vote may appear to Flatterers and Courtiers (who are but Insects bred and nourish'd out of the Corruption and Stench of bad Governments) yet I doubt not but his Majesty will consider it almost as the unanimous Opinion of that People who voluntarily offer'd him two most potent Crowns, set him at the head of the Force and Councils of the greatest Confederacy that has been ever united, and supported him through the War at a Charge that neither we nor our Forefathers ever knew, till at last they enabled him to humble his powerful Adversary, and bring him to Terms both safe and honourable. Nor did their Affection terminate with the War: For tho we were in debt near 20000000 *l*. they have increas'd the Civil List beyond what it was known in the Reigns of any of his Predecessors, and settled a great Revenue upon him for Life to support it. Nay, this very Parliament have given all the Testimony of their Duty which can be consistent with their Country's Safety: They have chosen a Speaker out of his own Family, and have left him 7000 Men for Guards and Garisons; which, if our Courtiers were honest, they would not so much as pretend to be necessary. For if we dare take the Word of a Noble Lord (who has never distinguish'd himself by his aversion to Arbitrary Power, or hatred to Armies) 3000 Men are enough to supply the Garisons, and double as many as were establish'd in *Charles the*

Second's

Second's Time for that purpose. Then what Reason, or rather what Colour is there for 4000 Guards?

I will not enter upon so invidious a Subject, as that Guards about the King's Person are both unnecessary and dangerous, tho *Aristotle* has made it the distinguishing Mark of Arbitrary Power to have them, and many more Princes have been murder'd than protected by them; nay, even at this time in our neighbouring Country of *Spain*, tho the King has much more Power than we think consistent with our Constitution, yet he has no Guards: And not many Years since, when their King attempted to raise but a single Regiment, it was so resented, that if they had not been quickly disbanded the whole Nation had been in Arms, thinking it ignoble and dishonourable that their King should rather trust his Person with a few Men of desperate Fortunes, and not of the best Morals, than with his Nobility, Gentry, and loyal People.

However, since this Doctrine is not Orthodox, I will take it for granted that Guards are necessary about the King's Person: but at the same time I dare affirm that his three Troops of Horse, and one Regiment of Foot (which need not exceed 1200 Men) are more than sufficient for that purpose, tho his Majesty was to be better attended than ever I saw him. Then what pretence is there for keeping the remaining 2800? What colour is there for keeping Guards at the *Savoy*, or indeed in the *Tower*? *Necessity of Guards about the King.*

Are they kept there to defend the City, or to bridle the Citizens? which, as *Macchiavel* says, is the only use of Citadels. If the former, we can tell them, that the City has 20000 Militia to defend themselves, and 200000 Men more that will be ready to take Arms upon occasion, and better Men too than an Army will be when they have been debauch'd and enervated with Peace and Idleness: which if they doubt, let them remember the time when a new Army rais'd suddenly out of the City, vanquish'd the King's veteran Troops.

If they keep them to bridle the Citizens, that's our Complaint, and indeed is the only proper and natural use of Standing Forces in times of Peace. But why must the City of *London* be garison'd more than any other inland part of the Kingdom? Was ever a Prince better belov'd, or a City more loyal? why then must they be awed by Citadels?

Perhaps it may be said, that the *Tower* is the chief Magazine of the King's Artillery, Arms and Ammunition, which ought to be well guarded to prevent a Surprise. But why may not the Militia of *London* do Duty there by turns? who if they are good for nothing else, sure may be trusted to defend the King's Stores. We see the Bank of *England*, which is the Repository of as great Treasure, is defended by a very few Men. How was the *Tower* defended before this Incroachment of Armies grew upon us? but then indeed it was a Prison, and now it is grown into a Garison. *Guards in the Tower.*

Besides, what end can there be in attempting to surprize it? It can't be defended against a Prince that is beloved many days: and whoever does attempt so desperate an Action, is sure to pay for his Disobedience with his Life; which is all the Security we have that his Majesty is not assassinated every day: for whoever will sacrifice himself, is master of any Man's Life.

I have not labour'd this Matter so much to misrepresent the Parliament's Proceedings, or lessen their Affection to his Majesty, as to stop the mouths of a few Unreasonable Men, who calumniate the House of Commons as undutiful to their King, and regardless of their Country's Safety: whereas I think I have made it appear, that they have allow'd him near double as many Forces as are necessary; which makes me more wonder how some unthinking Men are impos'd upon by calling a few Land-Regiments by the name of *Marines*, and prevail'd with to think them necessary. *The Parliament vindicated.*

And because this Subject has not been handled by those Gentlemen who have exhausted the rest of the Argument, I will take that Task upon my self, and by the next Post will send you my Thoughts upon that Affair, and endeavor to shew, that the Establishment of the *Marines* is a useless Charge to the Nation, a Nuisance to the Navy, and dangerous to the Kingdom's Liberties.

From Newport in the Isle of
Wight, Dec. 30. 1698.

Printed,
Jan. 1693.

A LETTER to a Member of Parliament concerning the four Regiments commonly call'd Marines.

S I R,

IN my last I undertook to shew that the Establishment of the four Marine Regiments is a useless Charge to the People, a Nuisance to the Navy, and dangerous to the Kingdom's Liberties.

And in order to it I shall premise four things.

The First I have already prov'd, That seven thousand Men are more than sufficient for Guards and Garisons, and consequently these Marines are not necessary for Land-service, nor can they be us'd to that purpose, the last Parliament having appropriated them to the Service of the Navy only.

The Wages of one Seaman is equal to that of 3 common Labourers.

The Second is, That every Country will breed as many Seamen as their Trade and the ordinary Occasions of their Navy in times of Peace will give constant Employment to: for as Sir *William Petty* observes, The Wages of a Seaman is equivalent to that of three common Labourers; and therefore if our Acts of Navigation were duly observ'd, Men will naturally fall into the most beneficial Employment, till it becomes overstockt, and some of them for want of Subsistence are forc'd to seek out other Livelihoods, which is true not only in this but all other Trades.

This Marine Establishment no Nursery for Seamen.

The Third is, That if by a War or any other Accident, more Seamen are bred in a Country than their Ships of War, and the bulk of their Trade will constantly employ, the Supernumeraries must go to other Trades, find out new Countries, beg, steal, or starve; which I take to be the Case at present of *England*: for during the War we maintain'd between forty and fifty thousand Men in the Royal Navy, and now we do not employ above ten thousand; so that near forty thousand Men bred in the Fleet are to seek out their Livelihoods elsewhere, and 'tis at present a miserable Complaint amongst the Seamen, that many thousands of them want Subsistence.

The Question stated.

The Fourth is a Consequent from the two last, that this Marine Establishment is no Nursery for Seamen, but rather the contrary. I do not say that in no Circumstance it may be so; for perhaps in a War where the Occasions for Seamen are very great, or in a Country initiating themselves in Sea Affairs, such Regiments may be of use to bring Land-men to Sea, for bad Seamen are better than none at all; but in a Country thorowly vers'd in Sea Affairs, where there are more Seamen than there are Occasions for them, such an Establishment is so far from making Seamen, that they take up the room, receive the Pay, and hinder the Employment of those that are actually made.

Antipathy betwixt Seamen and Land Soldiers.

Having premis'd these things, the Question in my Opinion will be, Whether Marine Soldiers are better than an equal number of Seamen? 'that is, Whether ten thousand Seamen, and three thousand Marines, will be more beneficial to the Kingdom than thirteen thousand Seamen?

Now I shall endeavour to shew the contrary.

First there is a natural Antipathy between Seamen and Land Soldiers, as having different Customs, Manners, Oeconomy and Officers; nor, * as Sir *William Petty* observ'd, do the Seamen heartily rejoice at those Successes of which Land-men have any share, thinking it hard that they who are bred to miserable, painful and labo-

* *Political Arithmetick*, fol. 57.

rious Employments (and yet profitable to the Commonwealth) should at a time when Booty and Purchase is to be gotten, be clog'd and hinder'd by any Conjunction with Landmen, or forc'd to admit those to an equal share with themselves. The truth of this has been abundantly demonstrated in the last War, when Sea and Land Soldiers were never sent any long Voyage together, but their Differences have always defeated the Enterprize they were sent about, particularly in the Squadron commanded by Sir *Francis Wheeler* to the *West-Indies*, where the Resentments were carried so high between the Sea and Land Officers, that the whole Expedition was unsuccessful, to the Loss of many thousand Men, and a prodigious Sum of Money.

Sir F. W. Expedition to the West-Indies, why miscarry'd.

Secondly, The Charge of Marines is by above a third part greater than an equal number of Seamen whilst they are us'd as such: for the Marine Soldiers on board receive the Wages of Sailors, and the Pay of the Officers amounts to 20933 l. besides, which is a useless Charge to the Kingdom, the Officers very seldom going to Sea with their Men, and when they do, are only a hindrance to the Seamen, and raise Factions in the Fleet; or if they happen to agree with the Sea Commanders, are of no use but to debauch with them, and hinder them from doing their Duty.

Marines more chargeable than Seamen.

Thirdly, Their Land Methods have mightily interfer'd with the Navy Rules, and introduc'd pernicious Notions into the Fleet Officers, such as Mis-ratings, false Musters, and other Abuses, which the Sea Officers formerly were ignorant of: and I have been often told by a Commissioner in the Navy-Office, that that Board always oppos'd them, as an Establishment that broke all the Rules and Oeconomy of the Navy. And how fond soever the Lords of the Admiralty may be of them now, we may remember the time when a splenetick Gentleman in that Post publicly ridicul'd them, calling them Water-Rats. And these poor Wretches have been worse us'd than if they were so, many of them being starv'd for want of Clothes and Sustenance; and indeed they have always been the miserablest Creatures in the Nation.

Their Methods differ from the Rules of the Navy.

Fourthly, instead of making Landmen Sailors, they have made Sailors Landmen; more Seamen having been inveigl'd to be Marines, than Marines made Seamen; and tho the Officers have had 40 s. a Man for Recruits, yet Men press'd for the Fleet have been taken into the said Regiments upon that Account, and the Money put into their own Pockets.

Fifthly, they are a dead Charge to the Navy on shore, and burdensom to the People, being quarter'd up and down in the Inland Countries; nor could they ever be oblig'd to any Work in the Yard, tho it has been often propos'd, and one of their Establishments requir'd it: and indeed, tho there have been several Establishments made, yet none have been observ'd: and some People will be so ill-natur'd as to say, That nothing was design'd by that Noble Lord who has the Honour of this Invention, but to be a Colonel of one of the Regiments.

Are useless on shore.

Sixthly, They are dangerous to the Kingdom's Liberties, as hath been abundantly prov'd in the several Tracts wrote concerning *Standing Armies*; where it is demonstrated beyond the Possibility of a Reply, that small numbers of Men may and have destroy'd the Liberties of potent Nations: How much more easily then in *England*, where besides these Marines, who will be call'd to Land when they have occasion for them, our Kings will have 7000 Men for Guards and Garisons, 12000 in *Ireland*, 5000 in *Scotland*, and almost 6000 in *Holland*, which in all amounts to 33000 Men? A dangerous and dreadful Force, and such a one as our Apostate Whigs (if I may use another Man's Expression) in any Reign wherein they were not in the Ministry, would have thought sufficient to have enslav'd the Nation.

Dangerous to the Kingdom's Liberties.

Now I think it lies upon them to shew what great Advantages the Marine s will bring to the Kingdom more than an equal number of Seamen, which may ballance these Inconveniences, and justify the introducing an Establishment into the Navy, to which the Seamen have not been accusom'd.

I must confess, I could never hear any Reason, or rather Pretence for it, which did not move my Laughter and Scorn; nor would I condescend to answer them seriously, but that the Subject it self is above Ridicule, tho these Gentlemen and their Reasons are below it.

REASON I.

Marine Regiments kept in constant Pay will be more ready upon any Emergency or sudden Occasion than Seamen, who perhaps will be then difficultly rais'd.

*A Letter concerning the Marines.**A N S W E R.*

I have suppos'd before, that in the room of these Marines we are to employ an equal number of Sailors (which I have shew'd will be less chargeable to the Kingdom by above a third) then I presume it will be granted that Seamen actually on Board will be as ready as Marines, whereof a great Part will be always on shore.

R E A S O N II.

That these Marines do not take up the room of Seamen, but the Men of War must have their full Compliment of Sailors, and these Marines into the bargain.

I shall desire to be excus'd from making any Answer to this Argument, till the Gentlemen of this new way of Reasoning are pleas'd to shew, that their Marines do not receive as much Pay, eat as much Meat, lie in as many Hammocks; in short, eating, drinking, standing, lying or sitting, take up as much room as if they were better Seamen. I must own 'tis my Opinion, they will not be contented with the Accommodation Seamen are accusom'd to, especially their Beau-Officers, who will think themselves but ill us'd unless they have Cabbins made on purpose for them.

R E A S O N III.

Marines are more proper to make Insults upon the Enemies Coast than Seamen, who are not under so good a Discipline for Land-Service.

A N S W E R.

*Marines
less service-
ble at Land
than Sea-
men.*

Our own Experience is contrary to this; for they have been employ'd together but once upon Land Service during the late War, which was at the Siege of *Cork*; where a few Seamen, under the Conduct of the Duke of *Grafton*, did gallanter Actions, and better Service, than the whole Body of Marines either perform'd at that time or ever since. But supposing what they say were true, we have no War, nor any occasion to make Insults upon our Enemies Coasts; and must we be at a great Charge and Hazard to keep them up till the Lord knows when, to be sent the Lord knows where, to do the Lord knows what? Besides, have they ever been made use of to that purpose? And what Reason have we to believe that shall be done hereafter, which was never attempted in eight Years War? But if this were practicable, we may at any time qualify Land Soldiers for such Service, by keeping them only on Board till their Sea-sickness is over.

R E A S O N IV.

Marine Regiments are properer than Seamen to defend the Decks of our Ships, and annoy the Enemy with Small-shot.

A N S W E R.

It has been always observ'd, that Sailors have been better Marksmen than Land Soldiers, as having thro the Course of their Lives been us'd to Arms, not only in Sea Service, but in their Voyages, and the several Ports they come into, by exercising themselves to shoot at Wild-fowl. But if this were not true, what hinders but it may be made a part of Sea Discipline, to exercise them by turns on board? unless we think there is an intrinsic Virtue in the Word *Marines*. And if this were impracticable too (as I said before) Land Regiments in case of a new War may at any time be fitted for that purpose, by only keeping them on Board till they have digested their Sea-Qualms.

R E A S O N V.

Besides the Service they do at Sea, they may be useful when they are put on shore, by working in the King's Yards.

A N S W E R.

By their Establishment I presume the Design is to have a certain proportion of 'em at Land, the rest at Sea: And since it is all one to the Argument what number that is, we will suppose two thirds shall be always at Sea, and one third working in the Yards by turns. Now I have already shew'd, that the two Thirds at Sea are more chargeable and less useful than an equal number of Seamen: and if I can shew that the Third at Land will be as chargeable and less useful than an equal number of Artificers, then I think I have made it appear that they are neither good for Sea or Land, and consequently fit only to be disbanded.

Marines

*Pay at Land
8 d. a day.*

I confess by their Establishment their Pay at Land is but eight Pence a day; but I presume if they hinder them from working any other way by employing their whole time in hard Labour, they will increase their Allowance, as they do when they send them to Sea; which by the way is always done when Soldiers are set at work in the Garisons or elsewhere. If they do this, their own Pay will be equivalent to the Hire of common Labourers, or very near it. But suppose they do not increase it, I have shew'd before, that the Pay of the Officers is above a Third of the whole Pay of the Regiments, supposing every Company to be full: but if we can have such

unbe-

unbecoming Thoughts of them (which I can never believe of such honest Gentlemen) as that they will make false Musters, then the Officers Pay, in probability, will amount to half, which being thrown in, will make their Wages much above the Rate of common Artificers. Then the Question will be, Whether Men who for the most part have been bred up in Idleness, pick'd up at *Hab Nab*, whether Fish, Fowl, Otter, or Sea-weed, are likely to do better Service in the King's Yards than Artificers that exercise their own Trades, which from their Youth they have been accustomed to: To which I shall give no Answer.

But what shall the Officers do in the Yards? Shall they work there too? or shall they stand in the way of the Workmen, and see the Soldiers work at a Trade that neither of them know any thing of? Indeed if this Subject was less serious, these Gentlemen would tempt us to be very merry.

R E A S O N VI.

These Marines, besides working in the King's Yards, will defend them against any sudden Insult.

A N S W E R.

There is no need of their Assistance; for the King's Yards, if new Methods have not been introduc'd into them, are under the best Oeconomy and Conduct in the World. *Pretence of working in the King's Yards, and defending them, examin'd.*

First, There is a certain number of Guard-Ships (I think three) to guard every Yard.

Besides the Guard Ships, there is on board every Ship that is in ordinary an establish'd number of Men to do constant Duty there.

Every Watch, Scout-boats are sent out to hale each respective Ship, and observe that the Watch is duly kept.

There is in every Yard such an establish'd number of Watchmen (I think sixteen) to give notice of any approach of Danger; and upon the ringing of a Bell, all the Workmen and Seamen are to appear under the Officers of the Yard, to defend it: And there would not be a Man the more by employing the Marines, for we must then turn off just an equal number of other Workmen.

To give a full account of the Establishment of each Yard would be very tedious; therefore I shall only say in short, that the Constitution of the King's Navy, and especially of his Yards, was the noblest in the Universe; and under that Oeconomy we not only defended our selves, but beat all the World, and rode Masters of the Sea for many Ages. But what Trophies we have rais'd to our Country since these new Politicks came in fashion, the Lords of the Admiralty can best tell.

Indeed if the Gentlemen I oppose did not think our Understanding of a piece with their own Honesty, they would not put such a Scorn and Affront upon it as to talk at this rate: With what face can they pretend to use them either to work in or defend the King's Yards? Did they ever use them to either of those purposes in eight years War, when there was much more Occasion than there can be in Peace? And what reason have we to believe they should do it now? But any thing must be said or done to get them; as *Polybius* says of War, the true Reason is always concealed, and the most plausible one given out.

The Establishment of Marine Regiments is thought so useless in *Holland*, that this very Winter they have rejected them; and it is plain that our Courtiers themselves, whatever they pretend, think as meanly of them as I do, for they have disbanded the old Regiments that were train'd up in eight years War (which, if ever they would have been good for any thing, might have been in that time) and in their room have call'd a few Land Regiments, with near threetimes the number of Officers, by the name of Marines; and as these new Seamen have never been at Sea before, so they have been kept at Land ever since, and quarter'd up and down the Country against express Acts of Parliament. So that the dispute now is not whether we shall destroy an Establishment already made, but whether we shall make a new one in full Peace. *Marines useless in Holland.*

I must confess it to be my Opinion that some Courtiers design them only for Land Regiments, and call them by a new Name to deceive unthinking Men, who are taken only with Appearances. But I doubt not but your honourable House of Commons, the Guardians of the Peoples Liberties, will let the whole World see that they are neither to be aw'd by the vain Terrour of foreign Invasions, perverted by Places, or deceiv'd by false Appearances; that they know how to honour and reverence his Majesty, and yet punish corrupt and wicked Ministers:

nisters: In short, that they know the difference between *English* Subjects and *French* Slaves.

Qui vult decipi decipiatur.

*The Seaman's Opinion of a Standing
Army in England, in opposition to a Fleet at Sea,
as the best Security of this Kingdom.*

Printed,
Jan. 1693.

*In a LETTER to a Merchant,
Written by a SAILOR.*

S I R,

*The best
Writers are
against a
Standing
Army.*

I Have read with no small Consideration, the Arguments for and against a Standing Army so warmly argu'd on both sides; one making of false Weights and Measures, and allowing nothing to be true Weight that is not weigh'd at the Court-Beam; while the others lay their Reasons and Arguments in the Peoples Scale, and weigh the common Interest and our Constitution against the Court-Projects. I must confess, the latter are much in the right; for Laws were made for the general Good of all the Subjects, and are by no means to be alter'd to the prejudice of the People: The *English* Constitution has no respect to those future Contingences and Emergences which may happen to crown'd Heads. Our Forefathers thought those Laws which were of Force and Virtue enough to keep them in possession of their Estates, equally powerful to secure the Regalities of the Crown to the King, and would be alike advantageous to their Posterity; and I know no Reason why we should be of another Opinion.

*Reasons for
a Standing
Army exam-
in'd.*

The main Reason the Court Party offers for a Standing Army, is the intire Confidence we may repose in the King, on the account of the Heroick Virtues inherent in him, and his firm and sincere Intentions for the Preservation of the Nation, and the Rights of the Subject; so that if the People of *England* do not trust the King with their Lives, Liberties and Estates, they would insinuate as if they did mistrust him. I may know my Neighbour to be a very honest Man, and yet have no occasion to trust him with the Deeds of my Estate, my Mony or Goods; nor need the People exchange *Magna Charta* for the King's Letters Patent for their Liberties *durante beneplacito*; for so it must be when he is arm'd with Force at any time to take it away. I have as much, nay a greater Esteem for the Royal and Princely Virtues of his Majesty, than any Courtier of them all; and tho I could trust the King with a great deal, yet I should not care to trust them with a little. A Government settl'd by the People of *England* ought to be maintain'd by them: and without doubt the People will maintain a King in those Rights and Prerogatives they have granted and confirm'd to him, otherwise it will be a Reflection which hitherto has not happen'd upon them. But to maintain a Government upon any other Principles than such on which it is founded, is ridiculous. The Superstructure ought to be conform to the Foundation, the Building otherwise is irregular and inartificial; and for the People to undermine the Foundation of their Liberties, and raze it to the ground, only to build a Pyramid of Honour, or a Triumphal Arch for a Prince, is downright Nonsense. A Government ought to be supported; but it must be consider'd withal how it deviated from its Institution: when we know what a Government is, we can quickly find fit Props to support it, and fit Force to defend it. 'Tis
pity

pity there should be a distinction betwixt the King and the Government, which yet must be allow'd when the Courtiers call themselves *the Government*: As a certain Person was committed to the Custody of a Messenger by the Secretary's Warrant, for publishing and dispersing a seditious and scandalous Libel against his Majesty and Government; whereas it only contain'd Matter of Fact against some Commissioners. Well then, these Commissioners are the Government; and I am of Opinion if it be thus, that 'tis not worth our while to keep up twenty thousand Men to support it. Setting themselves thus up, they lessen the King and his Prerogative; as if the King had the Legislative, and they the Governing Power.

Evil Ministers and Officers have in all times prov'd prejudicial to the Prince that employ'd them; for they acting after an illegal and arbitrary manner in their several Stations, cause suspicion that the Prince by whom they are commissioned, will, when enabled with Force, do the like or worse: and tho ill Ministers and Officers may act illegally, and after an arbitrary manner, without the Knowledg, nay contrary to the Consent and Approbation of the Prince; yet all their Actions tend to the weakning of his Government, and to create Jealousies in his People. Men judg of the Fountain by the Purity or Impurity of the Streams; and Justice being deny'd or delay'd by Officers and Ministers, they presently look back to the Original Contract and Coronation Oath, with a great deal of Doubt and Hesitation. It was a noble and glorious Saying of our great and renown'd Prince *Edw. III.* when he hang'd his Chief Justice *Thorp*, of the *King's Bench*, for taking a Bribe of 100 l. *That he being intrusted as the King's Deputy to administer Justice in that Court, had as much as in him lay, broken that solemn Oath that his Majesty made to his People at his Coronation.* Instead of a Land Force to defend Evil Ministers, this wise Prince procur'd a Halter to hang them.

Evil Ministers pre-judicial at all times to the Prince.

The Saying of Ed. III. upon the Execution of the Ld Ch. Justice Thorp.

If Men in great Offices have been guilty of enormous Crimes, have lavishly spent and squander'd away Parliamentary Funds rais'd for the Security of the Nation, must the People of *England* make a Rent in their Constitution, and raise and pay twenty thousand Men to maintain them in their vicious Practices, and secure them from the Violence and Insults of the common People? They are grown already to such a height, that there is no way of calling them to an account. If an inferior Board commit a Crime, rob, embezel, plunder the Nation, and enrich themselves with the publick Spoils of the Kingdom; and a Complaint be made to the Lords of the Treasury, they refer it (after the Complainer has a long time attended) to the Board complain'd against. After a long attendance (five or six months I have known it) a Report is made; the Treasury acquiesces with the Report, and the Complainer is frustrated of his honest Intentions. It is a Law amongst 'em, never to hear the Complaint of an Inferior Officer against a Superior; as one of the Commissioners of the Excise told a certain Person, that there was a secret Resolution taken up by all the Commissioners in the Kingdom, that if an Inferior Officer complain'd of Mismanagement, they would represent him either as a Fool or a Knave, or else make him so uneasy that he should be forc'd to quit his Employment: and this appears to be true, for most, if not all the Officers that have complain'd of Mismanagements, have been discharg'd for so doing. How then shall these Men be punish'd? Why, the last Resort you know is a Parliament; and if you read over the List, you will soon find how many Courtiers were there Judges of their own Cause, and Auditors of their own Accounts. So that, Sir, I think you ashore are in a fine pickle, if ever these Men get a *Standing Army* to support their Mismanagements by point of Sword, and the powerful Arguments of Pike and Gun: For our Controversy is not about trusting the King with a *Standing Army*, we pay him all the Deference imaginable; but we are loth to be at the charge of guarding those who have neither regarded the Publick Good, nor those worthy Gentlemen that ventur'd their Lives to bring the King to the Throne, and to promote them to Offices of Trust and the greatest Profit. Their restless Endeavors to gain this Point of a *Standing Army*, have other meanings in them than the specious pretence of Publick Safety. When the Fox preaches, beware the Geese; there is some Fetch or other, some Snake or other in the Grass, that will not wriggle it self into view, but under the Umbrage of a *Land Force*. You must bear, Sir, with my homely Comparisons, as well as with my indifferent Language; we Tars don't pretend to polite Learning, and finery of Speech.

No mistrusting the King, but his evil Ministers.

But to illustrate my Discourse, I must tell you, that the last Voyage I made was to *New-England*; the Commander of the Ship I sail'd in was a Man of Virtue and Probity, very skilful in Navigation, and one that had a due regard to the Profit and Advantage of his Owners. But the Mate, Boatswain, Gunner, and other Officers, were

The Author's Adventure in a Voyage to New-England.

were Men of vicious Principles, and work'd so far upon the good Nature of the Captain, that they got intire possession of him, to the no small loss of the Merchants, and the trouble of all the honest Sailors aboard. When we came to *New-England*, and had taken in our Loading, being homeward bound, they perswaded him to take more Men, more Forces aboard, under pretence of Advice they had receiv'd from *England* of some *Turkish* Men of War that lay in the Chaps of the *English* Channel. The poor Captain believ'd a Necessity upon such plausible Pretences of augmenting his Forces, being unwilling to have his Ship pirated from him: The Forces were raising apace, when it was discover'd that these Fellows had a design to run away with the Ship; so that had their Design taken effect, the good natur'd Captain had been thrown over-board, and I had now been among the *Madagascar* Pirates. Ill Men contrive all ways, first to raise themselves by Villany, and then to support themselves in it. The same Effect your Land Force may have upon you: Your Captain I know is a good Commander, of Principle and Address, and I verily believe designs you no harm; but his under Officers, if they design'd you any good, would have done it before this time. Besides, if you have a mind to keep your King, keep him from a *Standing Army*. *K. James* had been here still, had it not been for his *Standing Army*, an Army model'd by the Vipers which lay in his Bosom for that very purpose.

I like the Effects of that Design so well, that I desire no more of that nature: We have a Government founded upon good Principles, a Revolution of which every step has been attended by Divine Providence; a King who governs according to the Rules of Justice at home, and is the Head and Leader of our Armies abroad, to his own immortal Honour, and the Good and Welfare of his People; and every good *Englishman* and Christian ought to bless God for it. But Revolutions in a Nation are like Fevers in the Body natural, which advancing too often, prey upon the Vitals to the destruction of the whole *Compositum*; and tho we have lately known it did, yet they seldom happen without damage, either to the Royal Prerogative, or the Franchises of the People, both which ought to be kept inviolable; and since they are so at present, I know no reason why we should put either in danger for the future. An *English* King, and an *English* People, sute well together; and since we are blest with both, we have no reason to promote new Whimseys in the head of one, to create Jealousies in the other. The Notion of an Invasion from the Man abroad is not so much a Proposition of Horror, as the Notion of our Liberties being invaded at home; and we are in more danger of those Horse-leaches of Government that fill themselves from the Veins of the State, than from foreign Troops. Money is the Sinews of War; but the Sinews once weakned, the Body is in a tottering Condition.

Inconvenience and Usefulness of a Standing Army. A *Standing Army* must be fed, and when once without Pay, must live upon free Quarter; for there is no reason that Men rais'd for the Service of their Country should starve in it. I would fain know what these Men would do with a *Standing Army*, unless, as before, to guard them from the Violence of the Mob. Where should they encamp to be in a readiness to oppose an Invasion? Had they as many Armies as there are landing-places in *England*, we might have some Security. Few of these Men that talk of *Standing Armies*, have had the Courage to go abroad to the Wars; but now perhaps for their Diversion, at the expence of the Kingdom, they are willing to see *Namur* taken at *Windsor*, or a Butterfly Camp at *Hounslow Heath*, where the Forces must attend the Motions of the Man abroad:

*Where the Knights Errant lie with Legs across,
Expecting what must never come to pass;*

The Sky falling to the utter destruction of the whole Species of Larks; *French* Invaders in Fleets of flying Wheelbarrows, and abundance of such odd Chimera's, if not worse.

Tories in Places and Offices. How will they model this Army? as they have done the Civil Offices? Will they fill Commissions with rancour'd Tories, confirm'd Jacobites, and Non-Jurors? Shall Men of Worth, Merit and Affection to the Government, be as scarce in this Army as they are in the Customs and Navy? God forbid! How many years Purchase must a Commission be sold for? and where will be the place of Sale, and who the Broker, now *Sir Fleet* is dead? Few of the King's, and their Country's Friends, have got Money to buy; must they be sold to those that got Pardon-money in the late Reigns of such as are starving since this Revolution? Well, there may be a formidable Invasion, and the Nation in a great deal of danger thereupon. The whole

whole Strength of the Nation is not able to withstand it, and yet the Party pretend that twenty thousand Men out of that Strength shall do it; that is as much as to say, seven Millions of Men are not able to withstand an Invasion, but twenty thousand of the seven Millions are; the *Minor* is of greater Force, Power and Virtue than the *Major*: If the Folk in Power say so, 'tis true enough; better a Nation be ruin'd, enslav'd, or any thing else, than they be thought to err in Judgment, or miss their Ends.

But suppose the worst, that a *French Army* should land; why then if we han't a *Standing Army*, the great Places at *White-Hall* will be in a tottering Condition. But suppose they don't land, and we have a *Standing Army* in expectation of it, why then the great Folk at *White-Hall* are all the time fingering the Money rais'd to pay them, not to their disadvantage to be sure. 'Tis no matter whether we are invaded or no, as long as their Trade goes forward. Now tho your Earthquakes don't disturb the Element I sojourn on, yet I may give my Opinion concerning your Affairs, as well as some of you have as to the management of the Fleet, that know no other difference betwixt Salt Water and Fresh than by the Taste. Invasion a sham Pretence, Ridicul'd.

I remember I was at an Anchor in *Studland-Bay*, when there was just such another Invasion in the Isle of *Purbeck*, as your Folk expect. If there was then any *Standing Army*, they were guarding the Royal Ducks in *St. James's Park*, or otherwise employ'd; but I am sure they were not there. Now without any Royal Mandate, Commission, or any Order from above, the bold *Brittons* assembled in a hostile manner, with all the Weapons of defence the Country could afford, and without any Ceremony march'd to the place of landing: The Rumour of the *French Numbers* was ten thousand, and in 48 hours there were a hundred thousand in Arms in *Dorsetshire*, and the adjoining Counties, who came down time enough to the Sea-side to engage the Invaders. I believe if these Hodmandods, Raw-heads and Bloody-bones, with which the Children of *England* are now scar'd, should appear, we shall be in a good posture of defence, without twenty thousand Red-Coats, which are more terrifying than an Invasion. Isle of Purbeck Invasion.

Now these Bugbears and Scarecrows, this visionary Invasion that haunts the Ruins of *White-Hall*, being remov'd out of sight, let us recover our Senses, and scan the Point, whether the Militia regulated and disciplin'd may not be as powerful to withstand an Invasion, as twenty thousand of that Militia (for every one capable of bearing Arms belongs to it) listed and entred into Pay.

But they say the Militia is not disciplin'd; Whose Fault is that? Was it not in their Power that contend for a *Standing Army*, to have disciplin'd the Militia since the Controversy in the House of Commons last Sessions about it? If the Officers of the Militia can't be trusted, 'tis the Fault of those that made them Officers. A negligence in this Point, and trumping up a *Standing Army* at the same time, looks as if their Army were to do some Business the Militia will not do; for it is evident the Militia can do more than twenty times the Forces they desire, when necessity shall require it. Besides, twenty thousand Men dispers'd are no Army; their being in a Body makes them one, but a Body can be only in one place at a time. We have abundance of landing-places, and our Army can be but at one of them, and I know already the Invaders won't land there. Now on the other hand, they can land no where in *England*, but the Militia will be at the place, enough of them to make a stand till the rest come up; so that if we had a *Standing Army*, the greatest use of them at that Juncture would be to come in for the Plunder of the Field. I might add more on this Head, were it not vanity to urge Reasons to justify a thing that is beyond dispute: But the Authors for an Army, like Mr. *Bays* in the *Rehearsal*, are resolv'd to present the World with something very ridiculous, and have not yet determin'd the Point, whether the two Kings of *Brentford* shall head their *Standing Army* with both Boots on, or one off. The disciplining the Militia neglected.

As I don't know the Designs, so I am ignorant of the Consequences of what these Men make such a bustle about: but it tends to create a Mistrust in the King of his best Subjects, and tells him plainly he can't be secure in his Throne, and enjoy his Prerogative, without making an Alteration in our Constitution; and that the Peoples Liberty, and the Regalities of the Crown cannot be safe at the same time. Now if I should aver, that our Constitution must of necessity tumble down, if a Branch of the King's Prerogative were not lopt off to make a Prop to support it, I suppose the Secretary of State would esteem it a State Crime, and I should be visited with the plague of a Messenger; when at the same time these Authors raise Bulwarks, and plant their Cannons upon them to batter down our Constitution, Endeavors to create a Mistrust in the King.
break

break down the Fences of our Liberty, and destroy those Privileges which have immemorially been the Rights of our Ancestors; and all this conniv'd at, if not encourag'd. Have the Liberties of the People no Guardians? Are there none to prosecute such Offenders in the name of the Good People of *England*? Where is the Justice, Glory and Honour of our Ancestors? Are all their glorious Marks obliterated in their Posterity? Are the Ends of the World come upon us, that we are willing to see an end of our Liberty? Are our Rights less valuable, our Laws of less Force than formerly? Are we ignominiously willing to give away what our Forefathers left us at the Expence of their Blood? God forbid that the Children unborn should curse us as cruel Stepfathers that have disinherited them of their Birth-right. Will not succeeding Generations think, that either our Rights were not worth keeping, or that we ingloriously betray'd our Children in parting with them? Will not the *Roman* Honour and Gallantry, which inspir'd Heathens newly acquainted with Laws and Principles of Government, rise up in Judgment against us, when we prove treacherous Deserters of our Liberties, and raise and pay twenty thousand Men to take possession of our Freeholds? Are not those who surrender'd Charters, gave away their Birth-right, and betray'd the Liberties of their Country in the late Reigns, justly branded with the marks of Infamy, and their Memories handed down to Posterity as ignominious and scandalous? And shall we, who have spent so many Millions to undo what they did, and retrieve our sinking State from utter Ruin, tread in their steps, act the same Tragedy, and play over the same Game? Was a *Standing Army* but a few Years ago accounted a Grievance, and now become a thing desirable? Is it not attended with the same Danger, or are we grown less sensible of it? Are we in the same condition with those that are troubled with the *French* Disease, of whom it is said, when once cur'd they are more desirous to commit the Sin again? Are we clapt in our Understandings, that we are willing to return into the same languishing Condition of which we are so lately recover'd, and have paid so dear for the Cure? Let the Pleaders for a *Standing Army* consider, how much it was accounted a Grievance in the late Reigns, and how much it tended to the destruction of the King that rais'd it, and they may esteem their Designs impracticable; for it must be a Reflection upon the Wisdom of the *English* Nation, voluntarily to give one King what they forc'd from another, to secure themselves in the peaceable possession of their Estates: and no wise Man can imagine, that in a Government founded on good and wholesom Laws, a thing that turn'd one King out of the Throne, should keep another in it. If you have the same People to manage this *Standing Army* that manag'd the late King *James's*, you have the same People to oppose this *Standing Army* as oppos'd the other; and in all likelihood you'll be brought into the same Disorder and Confusion: wherefore I think, all things consider'd, you had better be without it.

The improbability of an Invasion.

Thus far, Sir, I have ventur'd out of my Element, to give you my Sentiments of Affairs ashore; now suffer me to step aboard my Ship, and give an Account of another Security to our Kingdom little heeded or talk'd of, I mean our Shipping. It is suppos'd these horrible Invaders will not fly over the Seas in the Air, nor will they shove themselves over in leaden Boats under Water; they are compounded of Flesh, Blood and Bones, contrary to the nature of Spirits; they are visible and tangible Substances: therefore let us consider how we Sailors may handle them; for it is a demonstrable Argument, if we can drown or burn them at Sea, you'll have no occasion of a Land Army to knock 'em oth' Head ashore. By your insisting so much upon a Land Force as necessary to withstand an Invasion, you seem to yield up the Empire and Dominion of the Sea, which I am very unwilling to grant, knowing the *English* have no Rivals in that Affair, nor no Nation capable of taking possession of that Dominion. If we could beat an Enemy at *la Hogue*, and burn fourteen of their Three-Deck Ships at one time, and might have quite ruin'd them at Sea then, had it not been for the wonderful good Nature of you know who; I say, if we could do what they have not yet been able to recruit, nor perhaps never will unless we sell 'em Timber to build more Ships; if they have lost their Ships, and we have augmented ours by a far greater number than they have lost, I hope we are not now less able to fight an Invader. I suppose the Disembarkment of the Prince of *Orange* was carried on with as much Secrecy as an Invasion will be, yet we know how long it was talk'd of, and how long expected before it came.

Consider in the next place, how many Ships an Invader must have to bring over Men enow to conquer this Kingdom. Now if six or seven hundred Ships were requisite to bring over at most but fourteen thousand five hundred Men, how many will

will be necessary to make an Invasion upon *England* in order to conquer it? Their numbers must be much greater, they come without leave and undesir'd; and Invaders, let 'em be of what Country soever, or of what Religion soever, are hated by *English-men*. The Prince of *Orange's* Descent upon *England* was no Invasion but an Invitation, and his Accession to the Throne no Conquest (whatever two or three insignificant Priests have wrote) but the free Gift and Benevolence of the good People of *England*.

Yet notwithstanding all Parties were agreed in this Revolution, how many Accidents happen'd? How often was the Fleet detain'd by contrary Winds? And when at Sea, forc'd to steer a Channel Course, and in a Line too, which made 'em seen by both Shores. But this invading Fleet, that must have at least ten times the number of Men, and consequently of Shipping, are to come over undiscover'd. From what Places will they come? Why this is the main point; the honest Men in Offices tell of an Invasion, and it is to be done by somebody, that they will not dare name for fear of being gazetted, and order'd to be prosecuted, as D — B — was *Prosecutions bought off.* for reflecting upon some great Person at the *French* Court: They had better run the hazard of Prosecution, and tell the Truth; the Prosecution may be bought off.

Mr. B — gave but eight Guineas to H — B — and three to N — and the Prosecution was at an end. But this Invasion can't be brib'd off, the Invaders will not stay for Gratuities, all is their own when they have conquered; and into this Condition we may be brought, because our Standing Army-men are mealy mouth'd, and won't speak out. An invasion may well be a Proposition of Horror to them, when the very Invaders and the Country they come from, cramps their Tongues, and frightens them speechless, so that twenty thousand Men and nothing else, can bring them again to their Senses. If they would tell us the Country they'll come from, I could give you my opinion in the Matter; if I knew their Country, I should know their Ports, and what Conveniences they have for shipping their Men; but I'm sure they have no Conveniency of landing them in *England* unless we please.

All we can learn from them is, that 'tis the Man abroad, and abundance of Men there are abroad, and which of 'em 'tis we can't tell; this Man may be somebody or nobody, or anybody or everybody, since he has no name. He may be the Man in the Moon for ought we know, and then we are in a fine Condition; his is a Country we know nothing of, nor what kind of People he will bring with him, nor what sort of Weapons they use in Battel: He is certainly an Enemy, because he is no Friend, and a powerful Enemy too; his Dominions are very large, and for ought we know very populous; and if he should descend upon *Salisbury Plain* with two or three hundred thousand Mortals, why then the Cathedral Church there will be invaded by Men of a Strange Religion, that have not been educated to mumble the Prayers in *usum Sarum*, and the best stake in the Hedge of one of our Bishops is quite lost. The more I think of it, the more am I terrify'd at the Apprehension of such an Invasion; What a Horrid terrifying Spectacle will it be to see Men (nay for ought we know Monsters) descend like Hail upon our Country, where our Ships can't come, and nothing but twenty thousand regular Troops can oppose? How will our Women and Children be frightened, and our old Men astonish'd at such an Apparition, worse than that at *Purbeck*! Now I should think it most proper, to prevent an Invasion from this Country, to send an Ambassador thither: We have not given the Man, nor any of his Subjects, any affront that I know of; and a Truce or Peace is far better than War, as the *Turks* and *Germans* on both sides affirm; and we have Men of Parts and Sense enough in our Nation to send on such an Embassy: We know the Country is very high, yet we are provided with very high Fliers in our *High Fliers.*

Government, that have mounted from Footboys, Journeymen and Valets, to Commissioners, and other great Officers; one or two of these on this Embassy may put an end to our Fears, and render twenty thousand arm'd Men useless: I could pick a Man or two out of our Offices fit for this Embassy, that have risen with a wonderful Impudence at home, and will no doubt carry a good Stock abroad with them. These high Fliers have one Conveniency in mounting above the rest of Mankind, they have no weight of Brains to retard their Flight upwards; and if there is any Money in the World in the Moon, they'll load enough in their Pockets to hasten their descent downwards. If they say my Invasion is ridiculous, I say so of theirs, as also of twenty thousand Men to withstand it, and keep out a Force which all *England* beside can't do.

Well, it seems we must still be in the dark about this Invasion, the Army Authors won't tell us whence it will come, and yet tell us a dismal Story of its coming; so *No account given of the fear'd Invasion that*

that we are left to bear Supposition, which puts nothing at all into being, but is the Foster-father of Non-entities: We have suppos'd it from above the Clouds already, let us descend and view the Terrestrial Globe, view the Coasts of our Neighbours, and see from which of them all a Fleet of Ships can lanch forth into the deep, and pass the Ocean with an Army without Obstruction from the Royal Navy. 'Tis Nonsense to suppose this Invasion to come from *Holland*, which so lately assisted us with Forces in order to recover our lost Liberties; those that help'd knock our Fetters off, will not be for putting them on so soon already. But suppose *Holland* had a design upon *England*, let us consider how impracticable such a Design would be, whilst *England* has so good a Fleet of Ships of War: Those Auxiliary Forces they lent the good People of *England* upon the Revolution, met with abundance of Obstacles and Difficulties in shipping the Horses and Men, which kept the Enterprize so far back, that the very Regiments, the Names of the Colonels commanding those Regiments, and an exact account of the number of the Men, Horse and Foot, was printed in the *English Gazette* long before they saw the Coast of *England*; so that the *English* Nation had then as much time to prepare to oppose them, had they been willing, as they had to prepare to receive them. *Volenti non fit Injuria*: The Revolution pleas'd the Nation, if the major part of the People may be call'd so. But had these been Invaders, as they were the Auxiliary Troops of the People of *England*, entertain'd in their Service by their own Consent, the Fleet then under the Command of the Earl of *Dartmouth*, and in a proper Station too, could easily have obstructed that Expedition: But the Seamen were in a Confederacy with the Landmen in the Interest of their Country, and I hope in God ever will be; and it is not often the *English* Fleet has let an arm'd Navy pass thro their Channel without one Broadside.

Not from
France.

We must imagine it not to come from *France* immediately after the Ratification of a solemn Peace, so honourable to the *English* Nation. But suppose *France* at any time should have the Vanity to invade *England*, will not our Navy be sufficient to put a stop to such an Invasion? The *French* Councils perhaps are as secret as any in the World, and tho vulgar Eyes cannot pry into the Cabinets of that Prince, yet his first and second Rate Men of War are easily discern'd; I hope they'll rig their Ships before they put them to Sea, they'll careen, and gun, and man them, and all this can't be done in a Chimney Corner: Their Caulkers, Hammers, and Carpenters Adzes, will make some noise; we shall hear something of it sure. Consider their Ports, and where their Ships are laid up, and you may easily conclude they can't soon join upon such a Design: *Brest* is the most commodious and most frequented Port with Men of War, but not capable of containing them all, and if it could, they can't enter the Ocean at once; and 'tis but very bad riding in *Camaret Bay* for some, till the rest join them; some are laid up at *Marseilles*, *Thoulon*, *Havre de Grace*, *Port Lewis*, *Rochfort*, &c. besides some at *Dunkirk*; from which Place they can't come out with their Guns on board; and while they are taking their Guns in, if we can annoy 'em, we may have Intelligence of them. Besides, they must rendezvous somewhere, and that Wind which brings one half of the Fleet to the Place of rendezvous, keeps the other half back; so that if the Peace did not put us out of this danger, our Fleet would be a sufficient Guard against it.

Nor from
Spain.

Spain is in a firm Alliance with us, and had a good Belly-full of Invasion in 88, which is not yet digested, and the Northern Crowns never made any Pretensions of this nature; so that I dare boldly affirm we are in no danger of an Invasion from any known part of the World, and the *Terra Incognita* is a long way off.

In the short view I have taken of the Condition of our Neighbours, and their strength in Shipping, compar'd with the Naval Force and Maritime Strength of *England*, I believe if all of them should intend an Invasion upon *England*, they could not accomplish it. For, as I have said before, it cannot be done but we must have notice of it; and while they are fitting out their Fleet, we may do the same: our Fleet being out, and divided into Squadrons, appointed in proper Stations, would easily intercept them; it will be easily enough known when they first put to Sea, if we have a sufficient number of Advice Boats abroad under the Command of able and honest Sailors, and two of them still in Company: my Reason is, that as soon as they find the Enemy under Sail, the worst Sailor of the two should take the advantage of the Wind, and the other ply to Windward to give the two nearest Squadrons notice thereof. Now we'll suppose the worst, that the Enemy shall have the advantage of a List of the Stations of our Ships, as I have heard they formerly have had; why then their Business is to sail in a direct Line betwixt two

of our Squadrons: for should they sail in a Line of Battel, stretching East and West, and keep their Tenders in the same Line, which they must do to guard them, this Line must be of an extravagant length; the Prince of *Orange's* Fleet could not form their Half Moon till past the Skirts of *Dover*. Thus in all probability each Wing of the invading Fleet will touch upon a Squadron of *English* Men of War; and all that understand Sea-fighting, will conclude this must needs be to the disadvantage of the Invading Fleet. Suppose they sail in a streight Line North and South, to prevent Discovery by spreading too much room, their Tenders must be plac'd either in the Front or the Rear of their Fleet; for their Ships of War must keep in a Body, and it is our Business only to fall upon their Tenders and Transport Ships, and a few Men of War will ruin hundreds of such Vessels in a short time, being not scatter'd, but in a Body: for they must keep together, and as much under the Protection of their Convoys as possible; and should their Convoys engage our Men of War, and their Transports at the same time keep on their Course, in all probability they'll fall in with our relieving Squadron that comes to the others assistance, and then they are totally ruin'd; or if during the Engagement they lie by to see the Event of the Fight, they are in as much danger of the relieving Squadron. Nor is it practicable for the Transport Ships during the Engagement to sail to the Place of Landing; for their Men must land under covert of their Cannon, otherwise the Country Folk will shoot 'em like Seagulls, as fast as they land: They'll never find a *Brixam* Business of it; there's a wonderful difference betwixt Invasion and Invitation, betwixt the Disimbarkment of Auxiliary Troops, and an Army of Varlets and Cut-throats. If they should be no better watch'd than the *Thoulon* and *Pointi's* Squadrons, and to the Scandal of the *English* Seamen, slip our Ships of War, and arrive on our Coast, I question neither the Courage nor Conduct of the People of *England*, in giving them such a Reception as they deserve.

Now the Usefulness of a Fleet, as the best Guard to *England*, is evident, not only from Reason, but from undoubted History, and plain Matter of Fact; many Instances whereof our Tars often at Sea talk and boast of, many of which I could instance in, were I not too far gone already beyond the Limits of a Letter. But however I must tack about again upon your Land Army Folk; and to avoid all Animosities, Quarrels and Heats, I shall not tell how much or how little was done during this War by the Land Army in *Flanders*; but shall only hint what might rationally have been done by the Fleet under a good Management and Conduct. Of so many Millions of Mony that have been spent during this War in Land Forces, suppose some of that Mony and those Forces had been us'd on board the Navy, would not fifteen or twenty thousand of them thus employ'd have done more Miichief to the Enemy than fifty or threescore thousand in *Flanders*? They might have landed in their Country, their sensible part, which we have so gently touch'd; such a Force would have been sufficient to ravage 10 or 20 Miles round in their Country, and when the Enemy had got sufficient Force together to repel them, they might e'en have march'd aboard again with their Plunder; and coasting along their Country, in two or three days have landed again a hundred Miles from the place they landed in before, and retir'd aboard as before, and practis'd this Trade along their Coast from East to West; this would have been a tiresom Diversion indeed: They would thus have had no time to sow or reap, or dress their Vineyards; this would have diverted their Armies abroad, perpetually harass'd their Arrear-ban at home, kept their Peasants from their Employments, and fill'd them with continual Fears and Alarms. Being kept continually waking, it might have alter'd the Temper of an impetuous aspiring Enemy; waking they say will tame a mad Horse, why not a mad Tyrant? But whether our Mismanagements have been occasion'd thro Ignorance of the Managers, or thro an evil Design against our Country, is yet left to determine; but both are equally noxious to a Nation, and by continu'd Successions of Grievances without redress, the most flourishing Kingdom, the most glorious Monarch, and most warlike People may at once be impoverish'd at home, and grow scandalous abroad: For nothing conduces more to the Honour and Glory of a Nation than the good Opinion foreign States and Governments have of their Management; they'll give respect according to the Polity of their Government; if wise they'll court its Favour, if foolish they'll despise it: Tho a Man be strong and rich, his Adversary values it not, knowing his blind side, and how to cully him out of his Birth-right. The Management of our Maritime Affairs has been the common Subject of all Tongues, as it has been the common Grievance of the Nation; and what makes it the more resented by those that have paid Mony to the Managers, and been at the Charge of our Naval Force, is

The usefulness of a Fleet proved.

Management of maritime Affairs a great Grievance.

The Advan-
tages to be
made by the
Isles of Jer-
sey and
Guernsey
neglected.

Advanta-
ges France
has had
from those
Islands.

The King's
Officer at
Jersey held
Intelligence
with Fran.

is the mighty Advantage *England* has had over the Enemy in this point. Let us consider the natural Advantage of our Dominions, the happy Situation of our Territories in order to annoy our Enemy: Let us (and that not without shame) look into the *Aquitain* Sea, and behold there the Islands of *Jersey*, *Guernsey*, &c. in our possession, just upon the Enemy's Coast, provided with Harbours, convenient Peers, safe Roads for Ships to ride in secure of all Tempests, overlooking the Enemy's Ships as they pass from *St. Malo*, *Granville*, &c. and at the same time to consider that they have been of no other advantage during the War than an accidental Shelter to such of our Ships as have touch'd there, is matter of Amazement as well as Miscarriage. In the time of the Civil Wars *Sir Geo. Carteret* was Governour of the Island of *Jersey* in trust for the Royal Family, and with about twelve or fourteen very small Frigats so annoy'd *England*, that the Government then in being was forc'd to send a Fleet with considerable Forces to reduce that Island. Had we been wanting of Shipping during the War, the Case would have been alter'd; but had a small number of our Ships cruiz'd in that Station, the very Prizes they would have taken had been sufficient to have paid the Charge of the Ships, provided the said Prizes had not been converted to private Uses, and sunk in Grants. I have often wonder'd the *French* during the War did not repossess themselves of those Islands, notwithstanding the sincere Affection of the Inhabitants to the present Government, their good Discipline and Native Courage: they would certainly have made some Insults upon those Islands, had they not reap'd a greater Advantage by them than the possession of them would have amounted to; for from thence they were supply'd with Lead, Pitch, Tar, and other Necessaries of War, besides a settl'd Intelligence of the Affairs of *England*, and all this done by the King's own Officers. The Register of Certificates in the Island of *Jersey* was complain'd against at Court upon this account, and by his own Confession as well as by the Depositions of several Witnesses, convicted thereof before the Council, and by the Council discharg'd for the same. But such is the Fate of ill Men in Offices, and who do disservice to their Country, that soon after his discharge he was punish'd with a Landwaiter's Place in the Port of *London*, which Place he enjoys at this Juncture, as if the Priest of *Chausey* his traitorous Correspondent had absolv'd him from all his Sins, and made him again *rectus in Curia* at *Whitehall*. When there is a Concatenation of Villany in Publick Offices, one Link of the Chain must not be broken; if so, it is a Chain no longer. But this is a small Kindness in his Patron *Sir W. R.* thus to advance the Brother, who has two of his Sisters to serve under him. Our Mismanagements every body knows, and we have Complainers enow, but the Difficulty we labour under is to find out Punishers: We have had sufficient Experience that the punishing of Criminals with good Offices and Employments, has had an effect answerable to the Folly of the Project; to punish a Captain for giving away a 5th Rate to the Enemy, with preferring him to a fourth Rate, will never do our Business. If you officer your Ships of War with *Rigby's*, and man them with Landmen, christen'd by the name of Marines, you'll make but indifferent work of it. And now I mention Marines, I would beg the favour of you, Sir, to keep them at home, and set 'em Sentinels over the Farmers Cocks and Hens; for they do us no other Service here than to eat up our Provisions, make us lousy, and stand in our way: These amphibious Soldiers, that live either on Land or Water, are a Scandal to both, and serviceable on neither. We don't want Sailors now, and are willing to be freed from the Plague of Land-Lubbers: yet you see the Army-folk are desirous of 'em, any thing rather than lose their point; an Army they would have, tho it were of Tatterdemalions, while the Credit, Reputation, and Lifefulness of the *English* Navy is sunk, and overset by a sort of Men that have a Necessity for a Land Force to the Ruin of our Country, and the Loss of our Birth-rights.

An

An ESSAY on a Registry for Titles of Lands.

The P R E F A C E.

MY Name stands already printed to a late Essay, intituled, Several Assertions proved, in order to create another Species of Money than Gold and Silver, of which I am not ashamed; and I have added my Name to this, that (whatever Usage it meets with) I may stand bound to recognize it.

I hope I have such a Warrant to search for Truth, that will justify me in breaking thro all Crafts and Sciences to find it; as Hunger justify'd David and his Men for entering the Priest's House and eating the Shewbread.

And because I find that I shall scarce be able to begin, much less to get through my Argument, without unfolding some Mysteries of Iniquity between Priests and Lawyers, relating to the Titles and Settlements of Lands; I hope, that the Modern Professors of either of these Sciences will not be offended with me for speaking the whole Truth; but if they should, They will thereby be Witnesses against themselves, that they justify the Deeds of their Fathers.

And if I should be charg'd with Profaneness, for mingling Sacred Things with Secular, I will shelter my self under the Lord of the Sabbath, who was accus'd for doing Business on that Day; and

Haud timeo si jam nequeam defendere Crimen,
Cum tanto commune

Several Assertions proved, in order to introduce a Bill for Establishing a Registry for Titles of Lands.

First Assertion.

That as the Law now stands, the Freehold Lands in England may be incumbered in divers Manners, and at divers Places.

P R O V E D.

Freehold Lands may be incumber'd these several ways:

1. By Feofment, which must be executed in the Place where the Lands lie.
2. By Grant with Attornment, of which the Tenants must have notice.
3. By Fine and Recovery (with a Deed leading the Use) which are Matters of Record.
4. By

Several Incumbrances on Freehold Lands.

4. By Bargain and Sale, inrolled in either of the four Courts at *Westminster*, or with the *Custos Rotulorum* of the County where the Lands lie.
5. By Judgments in the Courts at *Westminster*.
6. By Recognizances enter'd in the Courts where they are acknowledg'd.
7. By Statutes Merchant and Staple transmitted into *Chancery*.
8. By Lease and Release, which may be executed any where.
9. By Leases granted out of the Lands, which may be executed any where.
10. By Rent-charges granted out of the same, which may be executed any where.
11. By Will in Writing.
12. By Bonds to the King, which are in the nature of Statutes-staple.

All these are Incumbrances made by the Act of the Party. Besides which there are others that happen by Default, as Acts of Bankruptcy, Escheats and Attainders.

Now I am not a going to calumniate the Law, for allowing of so many sorts of Incumbrances on Lands, but for permitting them to be done in divers Places, Which doth render the Titles to Lands uncertain, and therefore is a Deficiency in the Law: And tho the Law hath directed several of them to be recorded, yet this doth not remedy the Uncertainty.

Defect in
the Law.

First, Because these Records do lie in several Places, which makes the search thereof chargeable, and the finding difficult.

Secondly, Because those that are upon Record, have no Preference above those that be not: so that should a Purchaser discover all that are recorded, he may be defeated by those that are not; which can never be discover'd, but by the Confession of them that made them, because they may be executed any where.

The Au-
thor's De-
sign.

Therefore the Drift of this Essay, is to give a Sanction to one Place above all the rest, by annexing a Privilege to it, and leaving it to every Man's Pleasure whether he will purchase that Privilege or not.

To shew the Necessity and Conveniences whereof, I shall offer the following Arguments.

Second Assertion.

That the Advantage taken (by the Conveyances in the Law) of the Statute of Uses, 27 H. 8. in making Clandestine Conveyances, contrary to the true intent and meaning of that Parliament, and all the avowed Laws and Customs of England, doth occasion a Necessity of a Registry to prevent them.

PROVED.

In tracing out the Occasions of making this Statute, I was drawn through all the Statutes against Mortmain, as far back as *Magna Charta*, which doth prohibit the giving Lands to Religious Houses, by which it did seem to me that Lands had been so given before that time, or else it had not been prohibited: For human Prohibitions generally come after the Fact committed, whereas the Laws divine prohibit by way of Prevention; *Adam* was forbidden the Tree before ever he had tasted of it.

Statute of
Mortmain
amongst the
Jews.

The first Statute against Mortmain, was made by God himself before the Fact committed; for by the *Mosaical* Law, which instituted the first Society of Priesthood, the *Levites* are forbidden to have any Inheritance but the Tithes, that they might not dote upon their Possessions. But Avarice increasing upon them by an Acquisition of Wealth, which they did not know how to dispose of, they agreed to set up a Publick Treasury by way of Joint-stock for the use of the Church, which was not within the Words of the Prohibition; and out of this Joint-stock they paid *Judas* the thirty Pieces of Silver, which being return'd by him, they were loth to part with it, and yet puzzled what to do with it, because, being the Price of Blood, it was against their own Canons to put it again into their Treasury; Therefore they took Counsel, and bought the Potter's Field to bury Strangers in. As my Lord *Coke* commends the Wisdom of our Antient Clergy, for always chusing the most Learned in the Law to be of their Counsel, so it seems these Priests of old were endu'd with the like Wisdom: For the Children of this World are wiser in their Generation than the Children of Light.

Now these Lawyers advis'd their Clients, that notwithstanding this Canon, they might purchase Lands with this Mony, and annex them to their Church: But this being

being against the Law Divine, prohibiting their purchasing of Lands, the Lawyers found this Stratagem, *To purchase these Lands for a Burying-place only, in the nature of a Church-yard*; which being a thing of Necessity, and made Sacred, would exempt, or at least excuse it from this Statute against Mortmain; and the Priests computing that this might turn to as much Profit as any thing else (having double Duties for lodging of Men, and Meat for Horses) they consented to lay out their Money in it. (Any thing to get a Penny in an honest way.)

And this *Field of Blood* was the first spot of Glebe in the World, to which the Priests will be intituled (in right of the Church) if ever they gain possession of the Holy Land.

But having laid this Nest-Egg, they went on to join Field to Field; and had they been let alone, had converted whole Kingdoms into Holy Ground before now.

And why Houses of Religion are said to be more haunted with Ghosts than Lay-Tenements I can't tell, unless some of their subsequent Augmentations were the Price of Blood, as well as their Original Purchase.

But now to begin at our Laws: It is strange to observe, how the Parliaments of England did hunt the Priests and Lawyers with Statutes against Mortmain, from the making of *Magna Charta*, 9 H. 3. to this Statute in 27 H. 8. and yet could never catch them. The Practice of England.

The Statute of *Magna Charta* (as has been observ'd) prohibited the giving of Lands to any Religious House. To evade this, the Lawyers advis'd the Clergy two things: First, That whereas several great Estates were held of them, under small Rents, that they might purchase in these Estates to their Church, because they were before held of them. Secondly, The Prohibition of the Statute being to Religious Persons only, that the Secular Clergy were exempted.

To hunt them out of these Holds, the Statute of 7 E. 1. call'd *Statutum de Religiosis*, doth prohibit any Religious Persons, or others (which includes the Secular Clergy) by any manner of Craft or Engine to take Lands in Mortmain, and so they could not purchase in the Estates held of them. Evasion of Statutes.

To evade this Statute, the Lawyers advis'd the Clergy, That if they had any silly Confessants who had a mind to be cheated of their Estates, they might suffer a feign'd Action to be brought against them, and therein lose their Lands by default: which Recoveries were adjudged by the Justices not to be within any of the Words of this Statute, and therefore they were allow'd; For that Recoveries being prosecuted in course of Law, were by Law presum'd to be just and lawful, tho they were done in *Fraudem Legis*.

To drive them out of this Hold, the Statute of *Westminster 2.* makes all Lands so recover'd to be forfeited to the Lords of the Fee, and for want of their Entry to the King.

To evade this Statute, the Lawyers advis'd the Clergy two Things: First, That for all Lands lying round the Church, they might enter into them by assent of the Tenants, and make them Church-yard by Bulls of the Pope (whether they had this by Precedent from the Original Purchase, or according to the Proverb, *That good Wits jump*, is not material.) Secondly, They advis'd them that they might purchase Lands in the Names of other Persons to their Use. Frauds of Lawyers and Priests.

To hunt them out of these Holds, the Statute of 15 R. 2. prohibits both these.

To evade this, the Lawyers advis'd the Clergy, that they might purchase in the Names of other Persons in Trust for themselves; which Trust was not within the precise Words of Use.

And thus the Priests continu'd to cheat the People of their Estates, and the Lawyers the King of his Escheats for above three hundred Years together, in spite of all Laws made to the contrary.

In which time they had taught the Laity this Craft, to convey away their Legal Estates to Persons in Trust, whereby to prevent the Descent to the Heir, and consequently the Wardship to the King and other Lords, and yet to keep the Use and Permanency of the Profits to themselves and Families: Of which King H. 8. complaining to his Judges, they advis'd an Act for transferring all Uses and Trusts into Possessions; for which purpose a Bill was drawn by the King's Counsel, and presented to the House of Commons in the 24th Year of his Reign, when it was rejected, but pass'd in the 27th, which is this Statute of Uses.

And four Years after a Statute pass'd (worth all the former) for dissolution of Monasteries; by which the Priests lost their Lands, and the Lawyers their Clients (tho not their Cunning) as will appear by the Sequel.

Now

Bargain
and Sale in
Convey-
ance.

Now this Statute of Uses 27 H. 8. hath introduc'd a new Conveyance in the Law (which was not before) by way of *Bargain and Sale*: for tho a Bargain and Sale did raise a Use at the Common Law, yet it was not a compleat Conveyance to transfer the Possession without an actual Delivery of it in the Country; but now this Statute doing that Office by transferring the Use into a Possession, a Bargain and Sale became a compleat Conveyance without any other Ceremony. And the same Parliament foreseeing that this Bargain and Sale so perfected, might become a clandestine Conveyance to be executed any where, did intend to provide against it by making a short Statute the same Sessions for that purpose, call'd, *The Statute for Enrollments*, by which all Conveyances of Inheritance of Freehold, which pass by Bargain and Sale only, are to be enroll'd within six Months after the Date, that Purchasers may have notice thereof from the Record.

But of late Years the Lawyers have topt their Inventions upon these two Statutes. For, *First*, they make a *Bargain and Sale* for a Term only (now generally call'd a *Lease for a Year*) and which is not within the Statute of Enrollments: and by this the Lessee gains a Use at Common Law, and a Possession by the *Statute of Uses*; which makes him capable of taking a Release of the Reversion at Common Law, and then they make a Release to him and his Heirs accordingly. Which two Deeds make him one perfect Conveyance, and so by putting the Common Law at both Ends, and the Statute of Uses in the Middle, the Statute for Enrollments is bilkt, and these Conveyances by *Lease and Release*, which are clandestine Conveyances, and invented by the Abuse of one Statute, and the Illusion of the other, are become the common Conveyances of the Kingdom.

I challenge the Inns of Court to shew that either the Common Law or any Parliaments of *England*, ever directed any Incumbrances to affect Lands, but by solemn Livery and Seisin, or Matter of Record; and therefore these clandestine Conveyances are crept in, contrary to the Intent and Meanings of Parliaments, and all the avowed Laws and Customs of the Kingdom.

Two Titles
to Land in
England,
1. By De-
scent. 2. By
Purchase.

There are two common Titles to Lands in *England*: The one by Descent, which is prov'd by Marriages, Baptisms and Burials; and the other by Purchase, which is prov'd by Deeds. And where there is one dispute of Title by Descent, there are ten by Purchase; because the Titles which shew the Descent are registred, and those by Purchase are not: for were these Marriages, Baptisms and Burials, left at large without notifying of them as Purchases are, it would soon breed Confusion in all the Descents of the Kingdom. And is it not a Reproach to the Law, that that part of the Titles of Lands, which is the Province of poor Parish Clerks, should have more certainty in it, than that which belongs to the Professors of the Law?

Third Assertion.

That all Objections made against the Registry, upon account of Mischiefs which may arise by Discovery of Titles, are not only contrary to all the avow'd Laws and Customs of England, but to the very Essence of the Title, and the History of Conveyances.

P R O V E D.

Some Notice is essentially necessary to the Title of every thing that is vendible: To make a Title, is to take the Property of a thing from one Man, and put it into another: Of which it is necessary that other Persons should have notice as well as the Parties, or else the Purchaser can have no Title, because there is no Witness to give Evidence of it, in case the Seller should deny it. And as some Notice is absolutely necessary to all Title, so the more Notice is, the better is the Title; it were better for every Man who is Owner of an Estate, that all Men knew his Title, and then whenever he had occasion to dispose of his Estate, there would be no further Enquiry into the Title of his Lands, than to the Title of Mony in his Possession.

Antiquity
of Convey-
ances.

And as Notice is thus necessary and advantageous to Title, so in the History of Conveyancing, the most perfect Titles are most notorious, or rather the most notorious are most perfect.

And because Antiquity of Precedents is the greatest Argument in the Law, I'll quote one out of that Authority, which treats of Things done before the Foundations of the World, and tells us of several things that will come to pass after the Dissolution of it. The History of the World is but a modern Treatise of things of a late Date,

Date, which were done in pursuance of Counsels and Decrees made before: *Matters of Fact* set forth, without the Original Design and Institution of them, seem irrational, and to have no meaning in them. Would any thing seem more ridiculous, than that the taking off a Seal and delivery of a piece of Parchment by one Man should give another a Title to an Estate, if the Law were not known which gives the Sanction to this Ceremony?

The Precedent I am going to quote is, *That great Settlement of Eternal Life, made by God upon Jesus Christ, for the Considerations therein mention'd*: The Epitome or Contents whereof, and the manner of the Execution I find in that History which we call the *Gospel*; but because the Contents thereof is not a Subject within this Essay, I will not dare to touch upon it here: But the manner of the Execution being directly within my Argument (or rather my Argument within that) I dare relate it as I find it. This Settlement was first Enroll'd in Heaven (*in the Volume of the Book it is written of me*) afterwards was seal'd and executed in the Blood of Christ (*the Seal of the Covenant*) in the presence of all the World (*the Sound thereof is gone through the whole Earth*) and since that hath or shall be written and preached, printed and publish'd in all Nations, Kingdoms, Tongues and Countries. (*This Gospel must first be preached in all the World as a Witness to all Nations, and then shall the End be.*) By all which God himself is bound up, from disposing Eternal Life in any other manner than pursuant to this Settlement, without giving himself the Lie, which he cannot do; and Man hath such Notice of this Title, that he can't accept any other without becoming an Impostor to himself.

And this is the highest Precedent for Man to form his Titles by, as far as it is imitable by him; *The things on Earth are but the Patterns of things in the Heavens, where the Originals are kept, to try the Truth of all things by.* God deliver'd out the first Forms of all things in the World, of Ships, of regular Buildings, of Letters written with his own Hand, of Marches and Encampments; taught the first Workers in Brass and Bugle-work, Linen and Silks, Plowing and Harrowing, Sowing and Reaping, Threshing and Winnowing; all which he owns to come Originally from himself. *A Jove Principium.*

And now to begin with the Business of Man: The first Purchase I find since the beginning of the World was made by *Abraham of Ephron the Hittite* in these words. *And the Field of Ephron which was in Machpelah, which was before Mamre, the Field and the Cave which was therein, and all the Trees that were in the Field, that were in all the Borders round about, were made sure to Abraham for a Possession in the presence of the Children of Heth, before all that went in at the Gate of the City.* Abraham's Purchase.

Another was made by *Boaz of Naomi* in these words: *And Boaz said unto the Elders, and unto all the People, Ye are Witnesses this day, that I have bought all that was Elimelech's, and all that was Chilion's and Mahlon's of the hand of Naomi: Moreover Ruth the Moabitess, the Wife of Mahlon, have I purchas'd to be my Wife, ye are Witnesses this day. And all the People that were in the Gate and the Elders said, We are Witnesses. (O Tempora! O Mores!) Purchases and Marriages made without Lawyers and Priests! However I have mention'd these Conveyances more particularly, because I fancy our Modern Conveyancers with all their Trumpery of stationary Ware, can't make better either for Form or Substance. And these were made by Parol, being before the delivery of the Form of Letters to Man.*

The first that I have observ'd in Writing, was the Purchase of Redemption made by *Jeremy of Hananael*, in these words: *And I subscribed the Evidence and sealed it, and weighed him the Money in the Ballances; so I took the Evidence of the Purchase, both that which was sealed according to the Law and Custom, and that which was open, and gave them to Baruch in the sight of Hananael, and in the presence of the Witnesses, who subscrib'd the Book of the Purchase before all the Jews that sat in the Court of the Prison; and charged Baruch, saying, Take the Evidence, as well that which is sealed, as that which is open, and put them in an Earthen Vessel, that they may continue many days.* Jeremiah's Purchase.

By this it doth appear, that Registering of Deeds is as antient as the Deeds themselves: Here is the Original sealed, and then registred in a Book, to which the Witnesses subscrib'd their Names. Now *Baruch* had the Custody of the Registry, in the nature of a Publick Notary for that purpose, being elsewhere call'd *Baruch the Scribe*: But that the Original was deliver'd him, was an extraordinary thing, for that belongs to the Purchaser; and it being just before the carrying away Captive into *Babylon* (of which *Jeremiah* had notice) he deliver'd them both to *Baruch*, to hide them till the return of the Captivity.

The Title
made pub-
lick.

That which I cite these Precedents for, is the Notoriety of them, by calling all the People together to bear Witness; and an Inrollment beside to that which was in Writing.

And methinks all the old Forms in the beginning of Deeds, shew the Intention of making them as publick as they could be: *Know all Men by these Presents*; and, *To all People to whom these Presents shall come, &c.*

And as the Law intends Notice of all things done by Deed, so it hath provided Publications for things done without Deed, as Fairs and Markets for selling of Cattel, that the Purchasers may not be cheated: Publications in the Churches before Matrimony, and Registering after it, to prevent *Bigamy*. So the Law marks Felons in the Hand or Cheek, that none may trust them.

And yet after all this, there is a Provision intended in the Bill for this Registry, whereby any one may conceal the Uses declar'd of his Estate, yet so that there shall be some Notice taken of the Deed by which the Uses are declar'd, that the Owner of the Land shall be incapable of selling or mortgaging his Estate, till he doth produce that Deed, whereby a Purchaser or Lender cannot be defeated.

Fourth Assertion.

That all Objections made against this Registry, upon account of reducing the Practice of the Law, are one good Reason for it.

P R O V E D.

Abuses
from the
uncertainty
of Titles.

The Practice of the Law in Civil Causes is divided into three sorts: First, *The transferring of Titles*, which is call'd *Conveyancing*. Secondly, *The shewing forth and defending these Titles in Forms of Law*, and this is call'd *Pleading*. Thirdly, *The arguing upon these Conveyances and Pleadings (when they come in Contest) before the Judges*, and this is call'd *Practice at the Bar*. So that the Practice of the two latter doth arise from the Errors or Incertainties of the former. Were the Titles of Lands once made certain (which they may be by a Registry and no otherwise) I know what I think of the future Gains of the Law: The Profit of the Law arises from the Incertainty of Property; and therefore as Property is more reduc'd to a Certainty, the Profit of the Law must be reduc'd with it, the Fall of the one must be the Rising of the other. Actions of Slander and Battery, and Causes on the Crown side, would scarce find some of the Circuiteers Perriwigs, and yet (if we observe Evidence) they stand oblig'd to dispute in Titles for many of these. Thief and Whore, Kick and Cuff, are very often the Effects of forcible Entries, Trespasses, and serving of Process, in which the Title comes frequently in question. But the reducing this part of the Practice of the Law, are things not seen as yet. The *Proximus ardet* will fall upon the Conveyancers, and that not by altering the Forms of legal Conveyances, or taking them out of their hands, or putting any stop to the dealing in Lands (for that will be increas'd) but by exposing their manner of Practice in this Conveyancing part of the Law.

Qualifica-
tions of a
Conveyan-
cer.

For as it was numbred among the Sins of one of the Kings of *Israel*, that he made Priests of the meanest of the People, so it is the misfortune of the People of *England*, that Conveyancers are frequently made out of old Attornies or Noblemen's Lease-makers fumpt up in Bar-gowns. Two Qualifications are necessary to a compleat Conveyancer: First, *That he be incapable of dispatching Business so fast as he should*. Secondly, *That he doth not dispatch it so fast as he can*. Not to speak of bantering their Clients with their seeming Care and Caution in delaying their Business, shewing great Trunks of old Writings in their Chamber, calling to their Clerks (before them) for one Lord's Settlement, and another Lady's Jointure, to tell what great Clients they have; and when they come to be paid, they reckon their Fees by Longitude and Latitude. I have seen an original Mortgage of one Skin, bred up by a Scrivener (in six Years) to one and twenty, by assigning it every Year, and adding one Skin to every Assignment by Recitals and Covenants. As Cows after three Years old, have one Wrinkle added to each Horn for every Year after, which shews their Age: And I am inform'd that one Deed of sixty Skins was heav'd out of a Conveyancery Office the other day.

At this rate in a little time the Clients must drive their Deeds out of the Lawyers Chambers in Wheel-barrows. These Assignments and Re-assignments of Securities, have been a pretty sort of Perquisites, especially if they have but an old Judgment or Statute kept on foot, these are certain annual Incomes. I knew two
Serjeants

Serjeants at Law (Usurers) made it their common Practice every long Vacation to swop Securities with one another, to make their Mortgagers pay for the Alignment; and (doing this without Advice of Council) they once merg'd an old Term, and thereby spoil'd their Title to secure their Fees; which (as to them) answers the Character given of these Graduates by a Foreign Historian, *Est in Regno Angliæ genus hominum doctorum indoctissimum, communiter vocatum, The Learned Serjeants at Law*: Now I can't think but these Conveyancers and Aligners would be asham'd to produce such things to a Registry; and that therefore they must either abbreviate their Conveyances, or lose their Practice.

But whether this Registry will make these Reductions, 1. Of the Length of Conveyances; 2. The Uncertainties of Titles; And 3. by consequence, the other Practice in the Law, I cannot tell: However I hope it, and believe some of them fear it.

But if the Crys of Monks and Fryers had been regarded, we had never heard of the Dissolution of Monasteries; and if the Clamours of Masters of Request, Clerks, and Escheators had prevail'd, the Court of Wards and Liveries had been standing at this day. And yet perhaps most of these had either purchas'd their Places, or were bred up to that part of the Law only.

Fifth Assertion.

That the Assurance of the Title, and Dispatch of Business by this Registry, will be more than equivalent to all the Charge in Registering the Incumbrances.

P R O V E D.

The Certainty of Titles being the main drift of this Essay, it would be too mean an Argument to use for it, to say, That the Charge of registering of Deeds will be sav'd by reducing the Charges in making them. Altho this be true, yet granting it *Registry* should not, and that this Registry should be an additional Charge to all others, *no new Charge.* the Privilege of it will be worth the Price.

It is said, that whenever the Ld. Ch. Justice *Hale* had made a Purchase, he would say, *Now I would give a Year's Purchase more to be sure of my Title*: and if we should ask those who have lost their Estates for want of a Discovery of Deeds, they would set a higher Price upon it.

Men generally make their Purchases (with the Acquisitions of all their former Life) to settle them on their Posterity, for whom they are more solicitous than for themselves; and therefore they are always more jealous of the Title than the Value, because a Deficiency in Title goes to the whole, but a Deficiency in Value goes but to a part only; and for that Reason they would almost think nothing too much to assure them of their Title.

If a Man one hundred and fifty Miles from *London*, is to sue his Neighbour but for 10 l. he must employ an Attorney in the Country, who must send to another in *London* to make out a Writ, and this must be enter'd in one Office and seal'd in another, and then sent to the Sheriff, who must make out a Warrant, and deliver it to his Under-Officers, who must arrest the Defendant, take a Bail-bond to the Sheriff, and after Bail given to the Action, the Plaintiff must declare, to which the Defendant may plead almost what he pleases for Delay; and if he pleads to issue (which is the fairest can be expected) there must be issue join'd, a Record seal'd and sent down to the Assizes, a *Ven.* and *Disfringas* to return to the Jury, Notice of Tryal to the Defendant, a Tryal had, the Verdict return'd upon the *Postea*, Judgment enter'd, Execution su'd out and deliver'd to the Sheriff, and a Warrant from him to his Under-Officer to levy it.

Now I don't calumniate this Process for Recovery of Debts, nor did I ever hear *Registry no Grievance.* the Lawyers complain of this as a Burden to the People. But why of all Troubles the Trouble of a Registry should be only grievous, I can't tell, unless because it puts an End to Strife. Is it such a mighty Trouble for an Attorney's Clerk, when he is to enter upon a Judgment, to step into the Registry and leave an Entry made of it? and is it such a great Trouble for a Man when he has seal'd a Deed, to go to the Register to acknowledg it?

There's more Trouble than all this in transferring Copy-hold Estates, and yet we don't hear much Complaint about them: Men are seldom in such haste about laying out their Mony, or at least their Lawyers are not so violent in dispatch of

their Business, but they may dispense with the Ceremony of a Registry, to prevent the loss of their Estates.

Great charges one is at now in Purchasing.

Festina Lente is the Conveyancers Motto, and therefore they advise their Clients not to hurry them, nor put them out of their own pace; they must think nothing troublesome but the entering the Deed in a Registry. To come to a Lawyer's Chamber twice a Week, to know when they shall come again; then to have a Bill of Directions to send for some Deed which the Lawyer wants, and which perhaps is a hundred Miles distant, in they know not whose Hands; to employ an Attorney to search for Judgments, Statutes, Recognizances, Deeds inroll'd in four Courts; to send for a Copy of a Will prov'd in a remote Diocese, and bring an account of all this to the Lawyer, and give him a new Fee, and then begin again; and may be two or three such *Recipes* before the Title be finish'd: and the Clients must not think much of all this, but take it as the Nature of Business.

And yet I can't say but all this may be necessary, as the Case now stands, which must still grow worse, if let alone: For the Troubles and Hazards of Titles must continually increase, until they are reduc'd to a greater Certainty by a Registry.

But then as a Registry would reduce the Incertainty of Titles, it must thereby take away the Delays in Conveyancing, and consequently abridge the Charges: For as the *Pharises* made long Prayers, as a pretence or equivalent for devouring Widows Houses; so Practisers in the Law must make out long Bills, on pretence for demanding large Fees: Like some Tooth-drawers, who drag their Patients by the Jaws about the Room, to shew them how hardly they earn their Money. To cure a Deficiency in Titles, would be as fatal to Conveyancers, as the Cure of a lame Leg to a Beggar.

It is pleasant enough to any one (but those who are to pay for it) to read a Conveyancer's Bill of Fees, made out for Clients who don't pay well by the great.

To Counsel for perusing several long Deeds of the Title, which from the beginning to the end was near six Months, and drawing several long Conveyances, in all thirty Skins of Parchment, 100 Guineas.

To his Clerk for ingrossing the same, and Expedition, 30 Pounds.

So here the Counsel is paid for Delay, and the Clerk for Expedition, which puts me in mind of three Items set down in a Country-Scrivener's Bill, *Pro speciale labore*, 6 s. 8 d. *Pro expeditione*, 6 s. 8 d. *Pro Dispatch*, 6 s. 8 d. The first was for keeping the Business a great while, and the other two for doing it presently.

Sixth Assertion.

That in case this Registry be admitted, it seems more practicable and less troublesome, to settle it in the Metropolis, than to dispose it into the several Counties.

Registry to be settled in London, for the Reason for it.

Tho the Soil of Lands lies in several Counties, yet Concourse of Business to the Metropolis, doth generally occasion the transferring of Titles there (especially of all that are considerable) scarce a Purchase or Mortgage of 500 l. but is transacted in London; and by Post and other Correspondencies, it is less trouble to transmit any thing thither, than a few Miles in the Country.

'Tis observable, that the Statute for Inrollment giving Liberty to enter Deeds in either of the four Courts at *Westminster*, or in the County where the Lands lie; the latter is seldom us'd:

And many Deeds containing Lands in several Counties, it would be inconvenient to enter them all.

But should it afterwards be found necessary to extend this elsewhere, it will be better done from this as a Precedent, than to settle it altogether.

The Judges of the Kingdom were at first resident in the King's Courts only, and from thence were made Itinerant as the Occasions of the Country call'd for them.

There can be no Streams without a Fountain; but when that is finish'd, the Water may be directed to any place.

Nothing can be perfected without a beginning; and therefore to resolve to do nothing till we can do every thing, is an absolute Resolution to do nothing, and puts us in the case of the impotent Man at the Pool of *Bethesda*, who (by Conclusion) was under an impossibility of being heal'd, for he could not be heal'd till he stept in, and he could not step in because he was lame.

And

And having thus argu'd for Publication of Titles, as a Notice against Frauds; I hope Envy cannot say, but I have fairly publish'd my thoughts about it: and were all Propositions for new Laws made as publick as this before they pass'd, perhaps it might save the Labour of subsequent Acts to repeal or explain them.

The Law defective.

As to what I have said in the Law, I appeal to them that know it, whether I have misrecited or misinterpreted it.

And notwithstanding all that I have said of some of the Lawyers, I am so well satisfy'd in my Relation to that Science, that I would not exchange it, to be a higher Graduate in any other. And it is more owing to the Candor of the Chiefs of the Law (who sit in the Seats of Judgment) in discouraging all fraudulent Practices, and to the Care and Fidelity of the Practisers of the Law, than to the Law it self, that there are no more Frauds committed in the Titles of Lands, under the present Incertainty of them: For we see, if but one or two in an Age of that Profession (and none of the most Learned neither) do apply themselves to drawing Deeds and forging Evidences, what Work they make in *Westminster Hall*.

And as my Lord Coke, speaking of the third Court of Wards, said, *That tho the Parliament had rejected several Proposals for taking away those Tenures, yet he did not doubt but God had that Kindness for the People of England, that an Act would once pass for that purpose, by giving the Crown an Equivalent; all which was fulfill'd since his Death: So I have that foresight of the growing Mischiefs for want of a Registry, that I am confident the Necessity of it will force its own way. And therefore were I now a dying, I would send this out into the World to take its Fate, with this Motto only,*

—Sine me, Liber, ibis in Orbem.

A Bill for establishing a REGISTRY for Titles of Lands.

WHEREAS by the Common Law of this Realm, Lands, Tenements and Hereditaments were not to be transferred from one to another, but by solemn Livery and Seisin, or Matter of Record.

And whereas by the Statute made in the 27th Year of the Reign of King Henry the Eighth, Intituled, An Act concerning Uses and Wills, a Bargain and Sale did become a Compleat Conveyance in the Law, whereby Lands and Tenements might be transferr'd from one to another in a clandestine manner, without Livery and Seisin, or matter of Record: For Prevention whereof, by another Statute made in the 27th Year of the late King Henry the Eighth, For Inrollment of Bargains and Sales, it was enacted that from and after the last Day of July, which should be and since was in the Year of our Lord, Mannors, Lands, Tenements, or other Hereditaments should pass, alter or change from one to another, whereby any Estate or Inheritance of Freehold should be made or take effect in any Person or Persons, or any Use thereof to be made, by reason only of any Bargain and Sale thereof, except the same Bargain and Sale were made by Writing, indented, seal'd and inroll'd in one of the King's Courts of Record at Westminster, or else within the same County or Counties, where the same Mannors, Lands or Tenements so bargain'd or sold, lie or be, before the Custos Rotulorum, and two Justices of the Peace, and the Clerk of the Peace of the same County or Counties, or two of them at the least, whereof the Clerk of the Peace to be one, and the same Inrollment to be had or made within six Months after the Date of the same Writings indented.

And whereas since the making the said Statutes, of late Years, there have been several Inventions for conveying of Estates of Inheritance of Freehold, by Way of Lease and Release, and also for making of Bargains and Sales thereof for long Terms of Years without Inrollment of such Conveyances; both which are a manifest Abuse of the said Statute concerning Uses and Wills, and an Evasion of the said Statute for Inrollments.

And whereas the said Conveyances by Lease and Release, and Bargains and Sales for long Terms of Years, being clandestine Conveyances to be executed any where, and invented contrary to the Intent and Meaning of the said Statutes, and all the antient and avow'd

Laws

Laws and Customs of this Realm, are now of late Years become the most usual and common Conveyances for conveying of Freehold Lands, whereby several Frauds and Abuses have been committed, and several Suits and Contentions have risen thereupon, to the manifest bazzarding the Titles of the Freehold Lands of this Kingdom, and the dishonour of the Laws thereof.

For remedy of the Mischiefs aforesaid, by providing one certain Place, where all the Conveyances and Incumbrances herein after-mentioned, relating to Freehold Lands, may be Entered, in order to the more easy and ready searching and finding out the same :

Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same,

This Blank is for the Constitution and Qualifications of the Register.

And be it Enacted, That the said Register so to be appointed as aforesaid, on or before the day of and all other succeeding Registers for ever then after, shall provide and keep within one of the Inns of Court, or some other place in or near the City of London or Westminster, an Office of Registry for the Purposes herein after-mentioned : And shall provide and keep in the said Office several Register-Books for Registering of Deeds and Writings in manner herein after-mentioned, the Counterfeiting of which said Stamps shall be and is hereby made

And be it Enacted, that all Conveyances, Grants or Assignments of any Mannors, Lands, Tenements or Hereditaments of Inheritance of Freehold, within the Kingdom of England, or of any Rents issuing out of the same, or of any Leases or Terms for Lives or Years to be made thereof, which at any time after the day of shall be duly sealed and executed for good and lawful Consideration, and shall after such sealing and executing thereof, be registred in one of the said Register Books, shall in respect thereof have and be esteemed and taken to have the Privileges and Preferences herein after-mentioned : that is to say, That such Conveyances, Grants or Assignments, from and after such Registering thereof, shall be good and effectual, according to the Purport and Contents thereof, against all other Conveyances, Grants or Assignments whatsoever, which after the said day of shall be made of the same Mannors, Lands, Tenements or Hereditaments, and not Registred as aforesaid, notwithstanding that such Conveyances, Grants or Assignments so omitted to be Registred, shall be prior in Date or Execution to the said Conveyances, Grants or Assignments, which shall be so Registred :

Provided nevertheless that all such Conveyances, Grants or Assignments so omitted to be Registred as aforesaid, shall notwithstanding such Omission be good and effectual against the Grantors, or the Persons making the same, and all other Persons whatsoever, except the Persons claiming under the said Conveyances, Grants or Assignments, which shall be so Registred as aforesaid, as fully and effectually to all Intents and Purposes, as if this Act had never been made.

And for preventing a double Charge in Enrolling of Bargains and Sales of Inheritance of Freehold, before the Entry thereof in the said Register Books, Be it Enacted, That such an Entry made as aforesaid, of any Bargain and Sale of Inheritance of Freehold, at any time within six Months after the Date thereof, shall be deemed and taken to have, and is hereby made to have the force and effect of an Enrollment, within the said Statute for Enrollment of Bargains and Sales, as fully and effectually to all Intents and Purposes as if the same were inrolled in either of the said Courts of Record at Westminster, or with the Custos Rotulorum of the same County.

And whereas several Conveyances or Assignments may be made by Endorsements upon former Deeds, Be it Enacted, That when any Conveyance, Grant or Assignment shall be duly Registred as aforesaid, and after such Registering thereof, there shall be any Grant, Conveyance or Assignment, Declaration of Trust, or other Deed made by Endorsement thereon, that the Registering such Endorsement in one of the said Register Books, and making a Reference therein to the said former Deed on which the same was indorsed, shall be as good and effectual to all Intents and Purposes, as if the said former Deed were again Registred with the said Endorsement.

And whereas it may be conceived to be sometimes prejudicial or inconvenient, to publish the Uses and Trusts to be declared of Lands, Be it Enacted, That where any Grants, Conveyances

veyances or Assignments shall be made of any such Mannors, Lands, Tenements, or Hereditaments as aforesaid, to any Uses, Intents or Purposes to be expressed in the same Deed, or any other Deed to which the same Deed shall refer, that the Registering of so much of such Conveyances, Grants or Assignments, by which the legal Estate of the same Mannors, Lands, Tenements or Hereditaments, contained in the said Deed, shall stand transferred; and certifying such Registering upon the same Deed so in part registred, and also upon the other Deed to which the same so in part registred shall be made to refer, Shall be esteemed a Registering of the said Uses or Trusts within this Act, whereby to intitle the same Uses and Trusts to such Preference as aforesaid, as fully and effectually to all Intents and Purposes, as if the same Uses or Trusts were registred at large, any thing herein contained to the contrary notwithstanding.

And whereas Freehold Lands in England, are by several Acts of Parliament made liable to Executions on Judgments, Recognizances and Statutes, which being entered in several places, the Searches for the same are chargeable, and the finding of them difficult, to the further hazarding of the Titles of Lands: For remedy thereof Be it Enacted, That no Judgment, Recognizance or Statute, to be had or acknowledged at any time after the said day of shall bind or charge any Lands, Tenements or Hereditaments within the Kingdom of England, against any Purchasers or Mortgagees thereof, except such Lands, Tenements or Hereditaments, as the Defendants in such Judgments, or the Cognizors in such Recognizances and Statutes shall have on the day of the Registering thereof with the said Register in manner herein afore-mentioned; That is to say, that for all Judgments, the Names of the Plaintiffs and Defendants therein, the Sums recovered thereby, and the Day of the Signing thereof by the Judge, or other Officer signing the same, Shall be Registred; and for all Recognizances and Statutes, the Names of the Cognizors and Cognizees therein, the Sums thereby acknowledged to be due, and the Day of the Acknowledgment thereof Shall be Registred.

And be it Enacted, That no Devise by Will of any Lands or Tenements within the Kingdom of England, shall be allowed as good against any Purchasers or Mortgagees of the same Lands or Tenements, unless such Will or so much thereof, whereby such Devise shall appear, be registred in one of the said Register-Books, within six Months next after the death of the Testator, provided that after such Registering of such Will or Devise, the same shall take Effect from the Death of the Testator.

And be it Enacted, That the said Register for the time being, or his sufficient Deputy in that behalf, shall from time to time, certify the Days of all and every the respective Registries therein before directed, upon some part of the Deeds or Writings so to be Registred as aforesaid, by affixing the Stamp of the said Office thereunto, and signing the same. Which said Certificate shall be taken as Evidence of such Registries in all Courts of Record and elsewhere.

I cannot be so Arrogant, to dictate this Bill to the Legislative Power: but if what I have asserted be true, I hope the more Learned Gentlemen of the Law, who shall oppose this Remedy, will either provide a better, or agree to this Motto (for proclaiming the Laws of England) upon every House in the Kingdom, *No one knows the Owner*: In which they will not be more ingenuous to their Profession, than the Athenians were to their Religion by that Inscription on the Altar (*to the unknown God*).

Some

Some Objections against the Registry-Bill stated and answered.

Advantages arising by a Registry.

THIS Act provides, That any Persons having future Conveyances, Grants, Assignments or Deeds, declaring Uses or Trusts, may register a Memorial of them; and that the Deeds so brought to be registred, shall be stamp'd with the Seal of the Office, and Certificates of the Registry of them shall be indorfed on the back-side of the Deeds by one of the Registers.

That Deeds so registred shall have the preference of Deeds not registred, but the Deeds not registred to be as good against all others, as if this Act had not been made.

That general Incumbrances, as Statutes, Recognizances, and Judgments, shall not affect Lands against Purchasers, but from the time of the Registry of Dockets of them.

So that the Law is alter'd in no other Particular by this Bill, than whereas Deeds are now necessary to the passing Estates, there will be a benefit given by this Act to those who shall register Memorials of them.

The Advantage that will accrue to the Publick by this Registry is, that any Person buying Lands, will know what Deeds there are upon the Estate he treats about, and then will not deal till he sees them; and false Deeds cannot be shewn to him, because they must be produced under the Seal of the Office, and the Certificate of the Register.

I have met but these Objections against the Bill.

Obj. about Discoveries of Estates. Answ.

Object. I. That it will discover all the Estates in *England*.

I answer, That nothing is to be registred but the Date of the Deed, the Parties, the Parcels, the Estate conveyed, the Person's Name who brings the Deed, and the Witnesses Names; so that nothing does appear by the Register, but that there is a Deed upon such Lands: But whether it is a Lease, a Sale, a Mortgage, a Settlement in Marriage, a Deed with Power of Revocation, or a Deed to raise private Uses in a Man's own Family, no one can tell but the Purchaser, who will be sure to see before he deals.

This answers another Objection, That the Court will know the Value of our Estates.

Discoveries of Forfeitures considered.

Object. II. It will make an easier Discovery of Forfeitures.

I answer, When any Man is attainted of Treason, upon Office found, the King immediately seizes his Lands, and there is no way for the Heir to get them from him, but by setting up some Deed of Settlement; and the Question upon that Deed is always Fraud or not Fraud.

First, The Registry of this Deed can be no Disadvantage, but rather gives a Sanction to it.

Secondly, This Deed need not be registred, for it is good against the King without it, it is only void against a subsequent Deed that is registred.

Thirdly, Persons that are uneasy under the Government, and put out their Mony, or make their Purchases in other Peoples Names with a Deed of Trust between them, are not prejudiced by this Act; for such Deed of Trust need not be registred, but is equally good between them two, as if it was registred.

The difficulty of purchasing answered.

Object. III. That it will make Purchases difficult; for upon the Registry there may appear Memorials of Deeds which are lost, and which if they were produced would signify nothing.

I an-

I answer, As they may be lost, so they may be concealed, and it is fit the Purchaser should know all the Deeds that concern an Estate he is to give his Money for: and in such case where a Deed cannot be produced, the Purchaser ought to have satisfaction that it does not affect his Title, either by examination of the Parties, or Witnesses in Chancery, or else ought to have some Warranties, Covenants, or collateral Assurances to protect him against that Deed.

Object. IV. 'Tis too great a Trust to be put in the Registers, who will have the Custody of all Mens Titles in their hands. I answer, *Trust in Registers consider'd*

First, It is not so great a Trust as is already given to the Officers of the several Courts of *Westminster*, and the *Custos Rotulorum* of the County, who can inrol Deeds; and Deeds so inrolled are Records. Whereas the Registry of a Deed in this Office gives no Sanction to it, but it stands upon its own bottom, whether it is good or not, the entering it here being designed only to give notice to the Purchaser that there is such a Deed.

Secondly, If the Register should make false Entries, or imbezel them, the Deed so registred will be never the worse, for it will be stamped with the Seal of the Office, and certizied on the back-side of the Deed; which Stamp and Certificate are to be an Evidence of the Registry of the Deed in all Courts whatsoever.

Thirdly, In such case of imbezeling, or false Entries, future Purchasers will be in no worse condition than they are in now; but it is very unlikely that Case should ever happen, for in many hundred Years we have not heard of any false Records at *Westminster*, and I presume it will be made Felony by this Act, and it is almost impossible but it must soon be discovered.

Object. V. It will be very inconvenient to have the Deeds of all the Counties of *England* brought up to *London*. *All Deeds to be brought to London, consider'd*

I answer, That the Bill is brought in with a Blank, and 'tis probable will be filled up with the home Counties, or the home Circuit at most, and leave the Remainder to another Session; and for these Counties 'tis much easier to register their Deeds in *London*, than in their own Counties.

1. Most of their Titles are transferred in *London*.
2. Most of their Payments are made in *London*.
3. Searches for general Incumbrances, as Statutes, Recognizances and Judgments, are made in *London*.
4. Most Conveyances on Record, as Fines, Recoveries, Deeds inrolled, Bargains and Sales, are made in *London*.
5. By their constant Intercourse with *London* every day by Goaches, Carriers, Market-People, and Attornies, 'tis easier to send to *London* than five miles in the Country.
6. Records have been always kept more negligently in the Country than in *London*.
7. Where there hath been election of doing business in *London*, or in the Country, the former hath been chosen, and the latter rejected: How few Deeds of Bargain and Sale are inrolled in the Counties where the Lands lie, in respect of those in *London*? and how few Actions are brought in inferior Courts, in respect of those in the Courts at *Westminster*? and one Argument in Fact is worth a hundred in Reason.
8. Every Office in the Country will be the same Charge to the People as one for many Counties, for every Office must be sufficient to maintain Men of Skill and Reputation, and the same Encouragement will serve for Officers for several Counties; so that if there is but one Office, the Fees need not be so large as if they were many.

Object. VI. It will be a great Charge to the People.

I answer, So it is for Clients to employ Lawyers to peruse their Titles, draw their Conveyances, and defend their Causes, and yet Men think it their Interest to do it. Now it may be said without Offence, as the Law now stands, that the Advice of all the Lawyers, and the Force of all the Conveyances of *England* cannot add so great an Assurance to Titles of Lands as this single Point of a Registry: and after all, this Charge need not be much greater than a Conveyancer's Clerk will expect for writing over one Skin of Parchment; and in all probability in a few Years it will contract the Charge and Trouble of Conveyancing four Parts in five. *The Charge to the People, consider'd*

To conclude, If a Registry be inconvenient, why are not all the Registries in *England* taken away, as Judgments, Recognizances, Statutes, Deeds enrolled, Wills, Customary and Copy-hold Estates? if they are convenient, why may not this be establish'd?

If this prove inconvenient, it may be soon retrieved; if convenient, it may be soon enlarged.

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The Importance of Publick Credit.

THOSE that cannot be subdu'd by open Force, may be undermin'd by Art. Our Enemies are sensible of this; and having long try'd the first in vain, are making their last Efforts by the other: they well know that the *English*, while unanimous and prudent, are invincible; and that all the Misfortunes which are found in History to have happen'd to them, from the first entry of the *Romans* to this day, were occasion'd chiefly by their own Divisions, the only way by which they have, and may be again overcome and ruin'd.

Design of
ruining the
Publick
Credit.

At present we shall not take notice of any other of their Designs, than that they have form'd for Destruction of the Publick Credit, at a time when a neighbouring Prince, their sure Friend, and our no less certain Enemy, is amassing such vast Treasures. They well know that we have been chiefly supply'd by such as are well affected to the Revolution; these are the Men they desire should suffer for furnishing Supplies their Party has sunk under; and if they could once give them and others just cause to forbear future Loans, when there may be occasion for them, they would have no cause to despair one day of retrieving their lost Cause.

In order to this the Publick Credit must be represented as of the utmost Disadvantage to the Nation, a Clog and Burden for the time past, and full of future danger if continu'd. They lament the great Sums rais'd every Year to pay Interest, Annuities, &c. they think the Purchasers of Funds have had too good Bargains; that Deficiencies need not be made good tho promis'd by Parliament; and that the Publick ought to be eas'd, by lessening the Advantages those that have supply'd it think themselves intitul'd to. Pretence of Friendship is often a cover to the most treacherous Designs; and the generality being more inclin'd to swallow, than weigh Proposals of Advantage to them, it is no wonder if they have prevail'd on some Persons to think well of their Designs, who are not aware of the Consequence.

Stock-job-
bers rich.

Some Gentlemen who have suffer'd much under the great and necessary Charge of the War, are without difficulty prevail'd upon to be angry, especially when they see an overgrown Stock-jobber's Estate swell'd to such a Bulk in so small a time, by dealing in the Funds. From Envy to Ill-will is an easy step, which being once taken, all Arguments seem of weight that side with our Passions: How easy is it to convince such a one that publick Credit is of the last ill Consequence, that it makes a Nation prodigal, Stock-jobbers only fat, and Gentlemen lean; and (as some have ventur'd to speak out plainly) that it ought to be destroy'd, that we may never be trusted again? tho others more modest or cautious, will not speak so plain, lest advising a publick Knavery, should discover too much of their private Honesty. These would have it only a by side Wind, by the help of Clauses, Explanations, and such like Arts; which differs from the former, only as picking of Pockets does from Robbery. It is to be hop'd no Gentlemen will be found of this number, who on another occasion have shew'd their great Zeal, that the Justice of *Westminster-Hall* (as they were pleas'd to call the Common Forms) should take place of the Legislative Right, and Publick Good.

It were to be wish'd that Arguments founded on Justice and Honour were allow'd their due Weight, and that we were fully convinc'd that whatever Ill a Man consents to in consort, is full as criminal as if it were his single Act; there would then be no need of recourse to any other in this Case. But since the Temper of the Age is such, that one Argument drawn from Interest, outweighs forty others; these Gentlemen will do well to consider, whether the destruction, or impairing of the Publick Credit (besides the Infamy of the fact) would not have the following Consequences.

Would

Would it not reflect very much on those who have establish'd the Funds, and allow'd the Interest, and other Advantages on them, as guilty of the greatest Imprudence and Prodigality, destroying thereby that Respect which the Publick Good requires every Man should bear them? For on Conduct, steady as a Rock, all wise Men will build; but on Folly, Unsteadiness, and Incertainty, none in their Senses will rely.

Whether it be not possible such an Emergency may happen, that without Credit enough to raise a great Sum on the sudden, all may be in danger? And whether the Consequences on that side will not be infinitely worse than on the other?

And whenever there happens any pressing Occasion to supply the Publick, if any Credit can be found, must we not pay much dearer for future Supplies? Will any Man lend his Money to those that have it in their Power to lessen, or wholly resume the Security once given, especially when he knows it to have been their former Practice? If such Men could be found, it must be on Terms much more disadvantageous than any that have been yet given; for where People have such reason to be sensible of their Danger, they must be tempted with extraordinary Premium and Interest. Thus shall we pay dear for what these Projectors would now save. After such an Action all Persons would avoid dealing with the Publick, as they would with a Bankrupt: Provisions, Stores, Transports, &c. must be wanting, or procur'd on extravagant Terms. Should it be thought fit to erect new Funds, who would deal for them? Should there be any forfeited Lands to be sold, who would purchase of such as could reassume all, lessen old, or make new Bargains at their Pleasure, and whose Wills could by Precedent be prov'd to be as large as their Power? Suppose after such an Action they should propose to sell at eight Years Purchase, who would meddle with them? For may not such Purchasers be hereafter told, that their Bargain was too good, the Lands were worth eighteen, and they must make up that Sum? In this Article alone (not to mention many other future Contingences) more might be lost than these Projectors can now propose to save.

Danger of violating the Publick Credit.

As to the great Estates gotten of late by some Dealers in the Funds, if it be consider'd that they have run the hazard of losing all, even their Principal, by the uncertain Event of War, what Reason is there to grudge them an Advantage scarce proportion'd to their Danger? And since all Men had the same Liberty of gaining by them, no Man can have any reasonable ground for Envy or Ill-will, for it is entirely owing to his own Misfortune, or Folly, that he did not make the like Advantage: And he must be very dull who has not remark'd, that since the Publick Funds have had a Jog (not yet forgotten) Stock-jobbers have got double what they did before; a plain Proof that those whom Envy transports to such a Revenge, would but thereby increase the Profit of such Persons, and the Publick Loss.

Great Estates got by Dealers in Funds.

On this occasion some Persons cannot be forgot, who at the beginning of this Revolution scatter'd their Politicks freely in all places: few People forget their Maxims, That Taxes ought to be laid so, as being least easy to the People, they might be bore with some difficulty; that other Methods would, as it were, use the People to an easy Yoke, a Course they thought might in time prove of dangerous Consequence to the Publick: Excises, and such other Methods as some thought might have rais'd the necessary Supplies within the several Years, and have prevented the great Gains of Stock-jobbers, were then thought by them of the utmost danger; and many of the best Men amongst us, who propos'd them, were branded as Publick Enemies, that design'd the betraying of their Country to arbitrary Power, and Slavery. All Places and Companies were fill'd with their Declamations on this Head. Their Intentions were not then suspected to be what Time has shew'd them, therefore all this was attributed to their Zeal for the Publick; and tho the Thred of their Politicks seem'd so wonderfully fine, that few could discern it but themselves, they wanted not Followers who admir'd for profound what was not intelligible, and were willing to appear of a Party that seem'd to have a clearer prospect of future Events than their Neighbours. What fatal Influence this sort of Politicks has had on Affairs, there is little Pleasure in recollecting; but certainly it is sufficient to convince the World that excess of Prudence, and Folly, are near Neighbours.

Pretence of Publick Zeal.

If these Gentlemen then should be found among the most violent Complainers of what they themselves have chiefly occasion'd, let the World judg with what Reason the World which has sufficiently observ'd the extraordinary sympathy that has been, and still continues between them and the profest Enemies of this Revolution. Did

Pretended Friends agree with our Enemies.

our Enemies wish Taxes might be rais'd with difficulty? so did they. Will any one doubt that our Enemies wish the Destruction of Credit? so do these our pretended Friends. Our Enemies it seems are come about to our Interests, or these our Friends have out-witted them, things equally credible; but the truth is, to distinguish between such Friends and Enemies, is a distinction without a difference.

The Apostolick Chamber at Rome much incumbered.

The Consequence of Publick Credit has been so well understood in all well-govern'd Nations, that to break it has ever been esteem'd rooting up the very Foundations of a State. With the *Greeks* and *Romans*, what was more sacred and inviolable? And tho in those Ages the Publick Faith did not so frequently concern pecuniary Payments, yet doth not that make any difference as to the Consequence. Among Modern Princes and States, even with the most Arbitrary, what is more inviolable than Publick Funds? Two such Princes in Christendom paying away every Year a great part of their Revenue on that account, and most of it for Sums borrow'd by their Ancestors. It is well known that great Loans have been formerly made to the See of *Rome*, by which the Pope's Revenue is much incumbered, and pays every Year vast Sums for Interest of Money borrow'd by his Predecessors; and tho this does, and has for many Years past much exhausted the Apostolick Chamber, and be so heavy an Incumbrance on the See of *Rome*, yet no Pope (who in other things claims power to dispense with the Laws of God and Man) would ever attempt a thing so barbarous, impolitick, and without Precedent in any wise State, as to break the Publick Faith: not one of them would ever attempt so much as to reduce the Interest but by consent of the Creditors; in order to which one Pope having provided a great Sum of Money, caus'd notice to be given that those who would not accept a less Interest should take their Principal, which few would do when they found their Security so good.

The Apostolick Chamber, and Bank of *Amsterdam*, have Money cheaper than others can have on private Security; which plainly shews, that the truest, as well as the most honest way of supplying the Publick at a cheaper rate, and thereby lessening the Taxes, is, not by the little tricking Arts of these infamous Projectors, but by punctual and steady dealing.

Philip the II. of Spain breaks his Faith to the Merchants at Antwerp, and the Consequences thereof.

It were easy to shew out of History in many Instances, what ill Effects the breach of Publick Faith has produc'd. *Henry* the Third of *France* having call'd an Assembly of the States General at *Blois*, on Security of the Publick Faith prevail'd with the Duke of *Guise*, and his Adherents, to put themselves into his power. His own Weakness, or the ill Advice of some about him, made him think it his Interest to break thro an Obligation so sacred; and by the Death of the Duke, and others of his Party, to save as he thought much Treasure and Blood, and become safe and easy on his Throne. But he soon had cause to repent of his Folly, for after that Action no Man would ever trust him, he never had a quiet Moment, short and turbulent was the rest of his Reign, and his End tragical. The Instance of his temporary *Philip* the Second of *Spain* may come nearer our case. In his Wars of *Flanders* he had been often supply'd with Money by the Merchants of *Antwerp*, to the great Advantage of his Affairs; but a piece of such good Husbandry as we are advis'd, came into his Head: Those Tally-jobbing Merchants of *Antwerp* he thought had got too much by lending him Money, therefore his profound Wisdom thought it convenient to break his Faith with them, in moderating their Gains (as the Historian words it) by which he seem'd perhaps to have sav'd forty or fifty thousand Pounds. But what follow'd? In the next Line we are told, that neither they, nor any other, would trust him any more, which in a few days was the occasion of his losing the then great City of *Amiens*, and after of infinite Desertions and Mutinies of his Armies for want of Pay, by which his Affairs were wonderfully retarded, and those of his Enemies much advanc'd. And in short, this ungenerous and impolitick Action contributed not a little to his Loss of many Provinces, as by the sequel of that Story plainly appears.

Our Enemies wish for nothing more than to have such influence on Publick Counsels, as to render them violent and tumultuous, unsteady, vain, and precarious; they know that in such case most Men would endeavour to avoid Quick-sands, and that like drowning Men we might be prevail'd on at last to catch hold of their Bulrush.

Nothing can equal their past Follies, but their present Hopes that *England* (now secure from every danger but our own Indiscretion) can be brought by their Methods to give up its Liberties that are so well secur'd, and all the Honour gain'd in such a long and chargeable a War; in which we doubt not but they will be as much disappointed for the future, as they have been for the time past.

The Report of the Commissioners appointed by Parliament to enquire into the Irish Forfeitures, delivered to the Honourable House of Commons the 15th of December 1699.

With their Resolutions and Addresses to his Majesty relating to those Forfeitures.

As also his Majesty's Gracious Answers thereunto; and his most Gracious Speech to both Houses of Parliament the 5th of January 1690.

May it please Your Honours,

1. **A**ccording to the Powers given us by a late Act of Parliament, made in the Tenth and Eleventh Years of his Majesty's Reign, intituled, *An Act for granting to his Majesty the Sum of One million four hundred eighty four thousand and fifteen Pounds one Shilling eleven Pence three Farthings, for Disbanding the Army, Providing for the Navy, and for other necessary Occasions*; We have enquired into, and taken an Account of the Forfeited Estates in Ireland, and do humbly lay before Your Honours this our following Report, as the Result of our Proceedings.

2. But, first, we must humbly crave Leave to represent to your Honours the many Difficulties we have met with, which we fear may render our Enquiry less Satisfactory than otherwise it might have been. *Difficulties they met with.*

3. It is usual for the general Governours of this Kingdom, when they are removed from their Employments, to carry away the Books and Papers relating to their Proceedings during their Government, which we apprehend may have been some hinderance to our Enquiry.

4. Soon after the Battel of the *Boyne*, Commissioners of Forfeitures were appointed under the Great Seal of *Ireland*, who substituted Commissioners in the several Counties of this Kingdom, then in his Majesty's Possession: These Sub-Commissioners acted very vigorously, and made Returns of great Quantities of Goods forfeited, but several of these Books we were not able to get, which was a great Disadvantage to our Proceedings; these Returns having been made whilst the Mischiefs were fresh, and the Resentments high between Protestant and Papist, and consequently with less Favour than hath been since shown. *Goods forfeited concealed.*

5. Many Commissions for taking Inquisitions, have issued both from the *Chancery* and *Exchequer* that are not sped; and many others have been imperfectly taken, and worse drawn up; and some have never been return'd, nor so much as the Records made up by the Escheator.

6. Great Quantities of Lands found in the Inquisitions, have not been put in Charge to his Majesty, nor appear in the Rent-Rolls; and many Denominations appear in the Rent-Rolls, of which no Inquisitions were taken; and a great many other Parcels of Lands are mention'd in the Grants, which are neither found in the Inquisitions or Rent-Rolls, and some in the Sub-Commissioners Returns, that are *Lands concealed.*

are found no where else; and there may be many more of which we can trace no Footsteps.

7. As we cannot complain to your Honours of any direct Disobedience to our Authority, so we must take notice, that we had from few Officers that Dispatch which was necessary to the Work we had the Honour to be employ'd in; but whether this proceeded from any unwillingness to obey us, the multitude of other Business, or the irregular Methods of keeping their Books, we do not affirm.

Books of
the Com-
missioners
of the Re-
venue ill
kept.

8. Particularly the Books of the Commissioners of the Revenue relating to the Forfeitures, are so ill and confusedly kept, as much delay'd us in our proceedings; but this we do not attribute so much to the Commissioners of the Revenue, as to the shifting this Enquiry from one Commission to another, which has been done five times since the Battel of the Boyne; so that no Commissioners, if they were disposed to it, have been able to take any steady view of the Forfeitures, and digest them into method.

Great mis-
manage-
ment in the
Forfeitures.

9. By this means we have been forced to examine such Bundles of Records and Volumes of other Papers as have taken up much of that time, which might otherwise have been employ'd in the Examination of the Values, and enquiring into the Mismanagement of the Forfeitures, which appear to us very great; tho by the distance of time, the Agreement of Parties concern'd, the Death of some and Departure of others out of the Kingdom, most of the Tracks are worn out, so that we found it very difficult, and in many Cases impossible, to come at a true Information.

Unwilling-
ness to
give In-
formation.

10. Besides this, there appeared to us a very great backwardness in the People of this Kingdom to give any Information, which in our humble Opinion does not proceed from any dislike to the Business of our Commission, or disobedience to the Authority that sent us, but from the fear of the Grantees, and the Persons in Power, whose Displeasure in this Kingdom is not easily born. Besides, Reports seem'd to us to have been industriously spread abroad, and generally believ'd, That our Enquiry would come to nothing, and was only the Effect of a sudden Resolution, which hindred many Persons from making considerable Discoveries: But we humbly conceive, if such Fears were removed, the Forfeitures would appear much greater.

The Busi-
ness very
great.

11. Added to all these Difficulties, our Business it self was so very Voluminous, and consisted of so many Parts, that an exact Scrutiny into all the Particulars could not have been made, in a much longer time than we were confined to. But such an Account as under these Disadvantages we were able to acquire, we do with all humility lay before your Honours.

Number of
Outlaw'd
Persons in
England
and Ire-
land.

12. The Persons Out-lawed in *England* since the 13th of *February* 1688. on account of the late Rebellion here, amount in number to 57, and in *Ireland* to 3921. all which, with their Additions and Counties in which they were Out-lawed, appear in a Book delivered in with this Report, *Number 1.*

13. The Estates that the said Persons, or any of them were possessed of or interested in, either in Law or Equity, since the 13th day of *February* 1688. that came to our knowledg; together with the Proprietors Names, the number of Acres, the County and Barony in which they lie, the Value of them *per Annum*, and the total Value, appear in a Book delivered in with this Report, *Number 2.*

14. But the gross Number of all the Acres belonging to forfeiting Persons in each County, the yearly and total Value, esteeming a Life at 6 Years Purchase, and an Inheritance at 13 Years, which we apprehend to be at this time the Value of the Lands of this Kingdom, appear to us to be as follows: *Viz.*

Acres

	Acres Profitable.		Value per an.			Total Value.			Valuation of the forfeited Lands in Ireland.
	A.	R.	l.	s.	d.	l.	s.	d.	
In the County of <i>Dublin</i> -----	34546	0	16061	6	0	208796	18	0	
In the County of <i>Meath</i> -----	92452	1	31546	4	6	410100	18	6	
In the County of <i>Wt. Meath</i> -----	58083	1	14633	12	6	190237	2	6	
In the County of <i>Kildare</i> -----	44281	1	16551	18	6	215175	0	6	
In the County of <i>Catherlogh</i> -----	26303	0	7913	11	6	95872	2	0	
In the County of <i>Wicklow</i> -----	18164	0	2719	3	0	35348	19	0	
In the County of <i>Wexford</i> -----	55882	2	7551	10	6	98169	16	6	
In <i>Queens County</i> -----	22657	0	5002	8	9	65031	13	9	
In <i>Kings County</i> -----	30459	3	6870	18	0	89321	14	0	
In the County of <i>Kilkenny</i> -----	30152	2	5243	3	6	68161	5	6	
In the County of <i>Longford</i> -----	2067	2	348	9	9	4530	6	9	
In the County of <i>Louth</i> and Town of <i>Drogheda</i> -----	22508	0	6331	11	0	82310	3	0	
In the County of <i>Cork</i> -----	244320	0	32133	12	6	417737	2	6	
In the County of <i>Kerry</i> -----	90116	0	3652	11	9	47483	12	9	
In the County of <i>Clare</i> -----	72246	0	12060	17	0	156791	1	0	
In the County of <i>Waterford</i> -----	21343	0	4190	10	0	54476	10	0	
In the County of <i>Lymerick</i> -----	14882	3	4728	10	0	61470	10	0	
In the County of <i>Tipperary</i> -----	31960	3	8888	12	6	115552	2	6	
In the County of <i>Galway</i> -----	60825	0	10225	4	0	83528	18	0	
In the County of <i>Roscomon</i> -----	28933	0	5808	15	0	69767	2	0	
In the County of <i>Mayo</i> -----	19294	0	3186	5	0	37598	3	0	
In the County of <i>Sligo</i> -----	5562	2	998	17	6	12985	7	6	
In the County of <i>Antrim</i> -----	10103	3	1944	18	6	25284	0	6	
In the County of <i>Down</i> -----	9079	0	1016	6	6	13212	4	6	
In the County of <i>Ardmagh</i> -----	4962	0	588	0	0	7644	0	0	
In the County of <i>Cavan</i> -----	3830	1	478	12	6	6222	2	6	
In the County of <i>Monaghan</i> -----	3832	0	558	16	0	7264	8	0	
In the County of <i>Fermanagh</i> -----	1945	0	389	0	0	5057	0	0	

All the Lands in the several Counties aforesaid, as far as we can reckon by Acres, being added together, make 1060792 Acres, worth per Annum 211623 l. 6 s. 3 d. Value total 2685130 l. besides the several Denominations in the said several Counties, to which no number of Acres can be added, by reason of the Imperfection of the Surveys not here valued; which we humbly represent to your Honours as the gross Value of all the Lands forfeited in Ireland, since the 13th day of February 1688.

15. Next we think it our Duty to acquaint your Honours, what Proportions of these Lands have been restored to the old Proprietors, by virtue of the Articles of *Lymerick* and *Galway*, and by his Majesty's Favour.

16. Three Letters, One from her late Majesty Queen *Mary*, of ever blessed Memory, dated the 15th day of *March* 1691. to the Right Honourable the Lord *Sidney*, Sir *Charles Porter* Kt. and *Thomas Conningsby* Esq; then Lords Justices and Chief Governors of this Kingdom; One other Letter from her said late Majesty, dated the 6th day of *May* 1693. to the said Lord Viscount *Sidney*, then Lord Lieutenant and General Governor of this Kingdom, and to the Privy Council there for the time being; and One other Letter from his Majesty, dated *April* 24. 1694. to the Right Honourable *Henry Lord Capel*, Sir *Cyrrill Wich* Kt. and *William Duncombe* Esq; then Lords Justices of this Kingdom, and to the Privy Council there for the time being; were severally sent to them, empowering them to hear and determine the Claims of all Persons, pretending to be within the Articles of *Lymerick* and *Galway*; and in pursuance of the said Letters, 491 Persons were adjudged within the Articles aforesaid, the Names of which Persons, with their Additions, and the time of their Adjudications, appear in a Book delivered in with this Report, Numb. 3.

17. Afterwards a Commission dated *Feb.* 25. in the 8th Year of his Majesty's Reign, passed under the Great Seal of *Ireland*, empowering the Judges of the several Courts here, or any Five of them, to hear and determine the Claims aforesaid; and in pursuance of that Commission 792 Persons were adjudged within the Articles aforesaid; the Names of which Persons, with their Additions, and the Times of their Adjudications, appear in a Book, delivered in with this Report, Numb. 4.

18. The Estates that the Persons have been restored to, by virtue of their Adjudications, contain 233106 Acres of Land, amounting in the yearly Value to 55763 l. 6 s. 6 d. Value total 724923 l. 4 s. 6 d. The particular Number of Acres belong-

Valuation
of Lands
restor'd.

Exorbitant
Fees de-
manded.

Court of
Claims
cried out
against.

Number of
Acres of
restor'd E-
states, and
their Va-
luation.

belonging to Persons adjudged, the County and Barony in which they lie, with the yearly Value, and what the whole Interest is worth, appear in the Book, *Numb. 2.*

19. And here we presume not to judge, whether the said Letters from his Majesty or the late Queen, to the Lords Justices and Council, or the Commission under the Great Seal to the Judges, did give them any legal Authority to summon the Subjects from all Parts of the Kingdom, give Oaths, adjudg without Jury, and levy Mony under the Name of Fees; we finding no Act of Parliament to warrant the same. We humbly submit it to your great Wisdom.

20. Further, we think it necessary to inform your Honours, that the Fees in the said Courts were so extravagant, that Mr. *Palmer*, who acted as Register in the Right of Mr. *Poultney*, and divided the Profits with him, demanded of Mr. *Luke Dillon* for the Fees for his Father's Adjudication, Eighty six Pounds, and Mr. *Steel Cryer* of the said Court, Fifteen Pounds more: Nor could Mr. *Dillon* get out the Order to reverse his Father's Outlawry, till he paid Fifty two Pounds in ready Mony to Mr. *Palmer*, and gave him his Bond for Fourteen Pounds more, and had paid Mr. *Steel* Five Pounds, besides Ten Pounds which he paid Mr. *Palmer* before for Orders, the Cause being continued in the Court near two Years. Nor was this a single Case, for many more have paid great Sums of Mony upon the like account, the Charge only of Entering a Claim before we acted in our Commission, being near Five Pounds, tho by express Words of the Articles of *Lymerick*, no Person ought to pay any Fees but to writing Clerks only.

21. We may add to this, that the Proceedings of the last Court of Claims are almost universally complain'd of, and we fear with too much reason, some Persons having been adjudged without posting of their Claims, others within a day or two after, before the King's Council or Witnesses could be ready, which was contrary to the Rules of the Court it self, that requir'd fourteen Days between the Posting of every Claim and the Adjudication. It was also observable, that if any Person would disclaim his Estate, he met with very little difficulty in being adjudged, tho afterwards there could be no obstacle to the reversing his Outlawry, and consequently to be restored to his Estate. In general, it seems to us there have been great Miscarriages in the said Court, and that in many Cases the Articles of *Lymerick* and *Gallway* have been expounded too beneficially in favour of Persons Outlawed, and often on the Oath of one Witness, who we humbly conceive cannot be convicted for Perjury either by Common or Statute Law: By this means we apprehend, a great many Persons have been adjudged and restored to their Estates, that upon review would be found to belong to his Majesty. To come to a more particular knowledge of which, we sent Mr. *Palmer* for the Minutes of the Adjudications, but he having taken them in Short-hand only, and never since transcribed them, we could not get such an Account as was fit to lay before your Honours. We shall only take notice of one thing on this occasion, that seems to us very extraordinary, That more Persons were adjudged within Articles since the commencement of our Enquiry, than had been since the making the said Articles.

22. Next, we are to acquaint your Honours what Estates have been restor'd to the old Proprietors, by Reversal of Outlawries, or his Majesty's Pardon.

23. The Reversals are of two sorts, such as have been in pursuance of Adjudications, all mark'd in *Numb. 3* and *4.* in distinct Columns for that purpose: The Estates restor'd by the said Reversals, are already computed under the Consideration of Persons adjudged.

24. The other sort are such as have been reversed by his Majesty, or the late Queen's Letters, or Orders to the Lords Justices, which with all Pardons, and the Considerations inducing the same, past since the Defeat at the *Boyne*, amounting to Sixty five, appear in a Book delivered in with this Report, *Number 5.* The Estates restored to the several Persons pardoned, or that have reversed their Outlawries by his Majesty's Favour, containing 74733 Acres, worth per *Ann. 20066 l. 8 s. 3 d.* Value Total 260863 l. 7 s. 3 d. The particulars thereof, what Estates belong to such Persons, in what County and Barony they lie, what is the Yearly and total Value, appear in the Book, *Numb. 2.*

25. And here we think it proper to take notice to your Honours, That as well by the General Report of the Country, as by several Observations of our own, it appears probable to us, that many of the Persons aforesaid have obtain'd his Majesty's Favour by Gratifications to such Persons as have abused his Majesty's Royal Compassion. But when we touch'd on this Subject, we found Difficulties too great to be overcome; most of these Matters being transacted in private, and with Persons

Persons out of this Kingdom: However, we shall lay before your Honours some Instances, where it appears to us that Mony has been given to restore Persons forfeiting to their Estates.

26. The Right Honourable the Lord *Bellew* released a Statute-Staple of 1000 l. ^{Gratifications given by the Lord Bellew.} Principal Mony, and seven or 800 Pounds Interest, to the Lord *Raby* (which was due from Sir *William Wentworth* Father to the present Lord *Raby*, to the Lord *Dunleek*, Father to the present Lord *Bellew*) in consideration that he would use his Interest with his Majesty to procure his Pardon, which he did accordingly, and his Pardon soon after pass'd: He also released to the Lord *Rumney* all the Profits of his Estate, which his Lordship had enjoy'd near three Years, amounting to about as many Thousand Pounds, in consideration his Lordship would not give him any Molestation in passing his Pardon.

27. *John Kerdiff*, of *Kerdiff* Town in the County of *Dublin*, Gent. gave to Mrs. *Margaret Uniack* 200 l. or thereabouts, to make use of her Interest with the Lord *Rumney* to obtain his Majesty's Letter to have his Outlawry Reversed; which was accordingly done, tho the particular Case of this Man, as appeared to us, deserv'd Compassion. ^{By Mr. Kerdiff.}

28. Sir *John Morris* paid to Mr. *Richard Uniack* 500 l. whereof 300 l. was paid to Mrs. *Margaret Uniack*, for her Interest in the Lord *Rumney* to procure his Pardon, which was accordingly done. ^{By Sir John Morris.}

29. *Harvey Morris* Esq; gave 100 l. to Mrs. *Margaret Uniack* to obtain his Majesty's Pardon, which was accordingly done.

30. *John Hufsey* of *Leship* Esq; upon his being informed by Mr. *Bray* and Mr. *Roscoe*, Agents to the Lord *Athlone*, That he could not get his Outlawry reversed, without giving a General Release of all Demands to the Lord *Athlone*, which he did, whereby a Mortgage of 300 l. which he had on the Lord *Limerick's* Estate, then in Grant to the Lord *Athlone*, was released, who appears not to us to have known of the said Mortgage, or had any benefit thereby. ^{By Mr. Hufsey.}

31. *Edmund Roch* Gent. gave to Mr. *Richard Darling* Agent to the Lord *Rumney* 500 l. for his Interest in procuring his Pardon, which by the Means of the Lord *Rumney* was obtain'd, as we believe: But the said *Roch* was Outlawed on the Statute of Foreign Treasons, tho never out of the Kingdom. ^{By Mr. Roch.}

32. *John Bourk* Esq; commonly call'd Lord *Bophin*, agreed to pay 7500 l. to Mr. *Andrew Card* for the use of the Lord *Albemarle*, in consideration he would procure his Majesty's Letter to have him restored to his Estate and Blood: 3000 l. of the said Sum was to be paid when he was restored to his Estate, and the Residue sometime after. In pursuance of the said Agreement, a Letter was sent to the Lords Justices to be communicated to the Commissioners of the Court of Claims in favour of the Lord *Bophin*, in order to have him adjudged within the Articles of *Galway*; but nothing being done thereon, it was agreed, That a Bill should be transmitted into *England*, in order to pass into a Law in *Ireland*, to restore the Lord *Bophin* to his Estate and Blood: the Consideration suggested in the Bill was, to educate his Children in the Protestant Religion, and to set his Estate to Protestants. It was further provided in the said Bill, That 9000 l. should be raised upon the said Estate for payment of Debts, and a certain part of the said Estate appropriated for the Maintenance and Provision for the Children; but in reality, 7500 l. of the said Mony was to be paid to the Earl of *Albemarle*, and the Remainder, as we believe, to the other Persons concerned in negotiating the said Agreement. This Bill was brought into the House of Commons of *Ireland*, but the Agreement taking wind, and the House resenting that their Authority should be made use of to support such a clandestine Bargain, and finding several Allegations in the Bill false, they rejected it. Afterwards a new Agreement was made, viz. That there should be a Grant to the Lord *Ross* in Trust, That the Mony to be advanced for procuring the said Grant, should be first raised out of the Estate; and next, That the Profits should be applied to the payment of Debts, and after to the Use of the Family of *Clanrickard*. In pursuance of the Agreements aforesaid, a Letter was procured from his Majesty, and 3000 l. paid to *Thomas Broderick* Esq; for the Benefit of the Lord *Albemarle*. ^{By Lord Bophin.}

33. Having now laid before your Honours an Account of all the Estates belonging to Persons Outlawed since the 13th day of *February* 1688. and also what Estates have since been restored by Articles, and what by his Majesty's Favour, we will proceed to acquaint your Honours what Grants have been made, and also what *Custodiams* are yet in being of any of the said Estates, and to whom.

76 Grants
and Custodians
passed in Ire-
land.

To the Ld
Rumney.

To the Earl
of Albermarle.

To Lord
Woodstock.

To the Earl
of Athlone.

To the Earl
of Gallway.

To the E. of
Rochford.

To Marq.
Puizar.

To the Lord
Coningsby.

To the Lord
Mountjoy.

To Mr.

Keightley.

To Col. Ha-
milton.

To Dr.
Lefly.

To Sir T.
Pendergrafs.

To Mr.
Baker.

To Mr.
Corry.

34. There have passed since the Battel of the *Boyne*, under the Great Seal of *Ireland*, Seventy six Grants and *Custodians* now in being; a Book whereof, with the Dates of the Letters Patents, and Considerations, we have delivered in with this Report, *Numb. 6.* Some of the most considerable Grants we here particularly lay before your Honours, with the Number of Acres and Considerations.

35. To the Right Honourable the Lord *Rumney* three Grants now in being, containing 49517 Acres; the Consideration, Services done.

36. To the Right Honourable the Earl of *Albermarle*, two Grants now in being, containing 108633 Acres, in Possession and Reversion; Consideration, Services done.

37. To *William Bentink* Esq; commonly called Lord *Woodstock*, 135820 Acres of Land, no particular Consideration mentioned in the Grant.

38. To the Right Honourable the Earl of *Athlone* two Grants, containing 26480 Acres; Consideration, Services done in the Reduction of *Ireland*; which Grants are since confirmed by an Act of the Parliament of *Ireland*.

39. To the Right Honourable the Earl of *Gallway* one Grant, containing 36148 Acres; Consideration, many good and faithful Services by him performed.

40. To the Right Honourable the Earl of *Rochford* two Grants, containing 39871 Acres; Consideration, Services done.

41. To the Marquis of *Puizar* two Grants, containing 30512 Acres; Consideration, Services done.

42. To the Right Honourable the Lord *Coningsby* 5966 Acres, with several Chiefries, Tythes, and many Houses in the City of *Dublin*, with 1000 *l.* Mortgage; Consideration, Services done.

43. To the Right Honourable the Lord *Mountjoy* 11070 Acres, for 21 Years, in Consideration of his Services in the War of *Ireland*, the Losses he suffered in his Estate, the imprisonment of his Father in the *Bastile*, and his being kill'd in the Battel of *Steynkirk*.

44. To the Honourable *Thomas Keightley* Esq; two Grants, containing 12381 Acres for 99 Years, as a Portion for his Daughter Mrs. *Katherine Keightley*, who was dependant on her late Majesty Queen *Mary* of ever blessed Memory; and in Consideration of a Pension of four hundred *l. per Annum*, and his Losses by the War.

45. To Colonel *Gustavus Hamilton* 5382 Acres, whereof 1900 are no part of the Forfeitures; Consideration, his great and early Services in the War of *Ireland*, his wading through the *Shannon*, and storming the Town of *Athlone* at the head of the *English* Granadeers.

46. To Dr. *John Lefly* 16077 Acres; Consideration, his early Services in the War of *Ireland*, his great Expence in raising and arming considerable numbers of Men, and fighting at the head of them in several Ingagements.

47. To *Thomas Pendergrafs* Esq; now Sir *Thomas Pendergrafs* Baronet, two Grants, containing 7082 Acres, upon the most valuable Consideration of his great Services in discovering a most barbarous and bloody Conspiracy to assassinate the King's most Excellent Majesty, to destroy the Liberties of *England*, and in consequence the Protestant Religion throughout *Europe*.

48. To Mr. *John Baker* 1647 Acres, in Consideration of the great and memorable Services his Father Colonel *Henry Baker* performed in the Defence of the City of *Londonderry*.

49. To *James Corry* Esq; two Grants; one of a Mortgage of Two thousand Pounds, in Fee of several Lands in the County of *Wicklow*, due to Sir *Edward Scott* from the Earl of *Tyrone*; the other of 1725 Acres. The Consideration mention'd in the Letters Patents, are his House being burnt, and his having furnished the Garison of *Iniskilling* with Provisions and Materials to the value of 3000 *l.* at his own Expence. But enquiring into the Merits of this Gentleman, it appear'd to us, That he gave no Assistance to the Garison of *Iniskilling*: That in the Town of *Iniskilling* he publickly declar'd, he hoped to see all those hang'd that took up Arms for the Prince of *Orange*; and his House was burnt by the said Garison.

50. The rest of the Grants with the former, appear in the said Book, *Numb. 6.* and are comprehended in the General Values.

51. It is to be observed, that all Acres mentioned in this Report, are meant Plantation Acres, which bear a proportion to *English* Acres, as 441 is to 264.

52. It is further to be observ'd, That the Estates above mention'd, do not yield so much to the Grantees as they are here valu'd at; for as most of them have abus'd his

his Majesty in the real Value of their Estates, so their Agents have impos'd on them, and have either sold or let the greatest part of these Lands at a great Undervalue. *The Grantees imposed on.*

53. We are further to take notice, That most of the Lands in the several Grants aforesaid, were granted under the Exchequer Seal, *in Custodiam*, for small numbers of Years, or during Pleasure, either to the present Grantees, or other Persons; by which means very little Profit has accru'd to his Majesty: the greatest part of the *Custodiams* are now expir'd, but those few yet in being, appear in a Book at the lower end of the Grants, *Numb. 6.*

54. In the next place we shall humbly acquaint your Honours with the several Incumbrances that affect the Estates forfeited and not restor'd: And here we shall take notice of such only as are found by Inquisition, or have been allow'd by his Majesty's Court of Exchequer, most of which last have been in pursuance of her late Majesty's Letter, dated *to the Lords Justices of Ireland;* which requir'd that all Protestants should try the Validity of their Incumbrances in the most speedy manner, without subjecting them to dilatory and chargeable Methods. *Incumbrances affecting the Estates not restor'd.*

55. All Statutes, Judgments, Mortgages, or other Debts, which appear to us as aforesaid to affect the said Estates not restor'd, amount to 161936 l. 15 s. 6 d. The Particulars whereof appear in a Book deliver'd in with this Report, N^o. 7.

The Reality of the said Incumbrances, which of them have been made upon a valuable Consideration, and what have been since discharg'd by Receipt of Rents, or otherwise, we have had neither Time or Opportunity duly to examine. But we humbly conceive there are many very great Deductions to be made, upon the following Considerations.

56. In all Judgments and Statutes we have set down the penal Sums; not being able to know what Interest is due on the several Particulars.

57. It appears probable to us, that oftentimes the Judgment and Mortgage is the same Debt.

58. It is probable, that many of the said Judgments are only for the Performance of Covenants; and the Defeazances remain in the Hands of the Covenanters.

59. In many Cases Protestants and Papists have been equally bound; and the whole Debt is demanded on the Lands of the forfeiting Person, tho there may be other Security.

60. It does appear that many Deeds and Copies of Judgments were produc'd to the Juries on several Enquiries, and found without any Proof of the Execution of such Deeds, or the Considerations therein expressed.

61. It is probable, that in many Cases, the Statutes and Judgments have been satisfy'd, and do not appear discharg'd upon Record.

62. Many Incumbrances have been bought up by the Grantees, their Agents, and Under-Purchasers, and oftentimes at small Values, and are kept on foot to cover their Estates, tho probably they might have over-paid themselves by the Perception of Profits. *Many Incumbrances bought by the Grantees.*

63. Many Persons have been put in Possession of the Lands incumbered, by virtue of her Majesty's Letter, and have receiv'd all, or a great Part of their Debts.

64. It is probable, that several of the Incumbrances have been taken in trust for forfeiting Persons, and many others were entred into covenously.

65. In Conclusion, it appears to us that there are all the Contrivances possible made use of by some Grantees, and their Agents, to make the Incumbrances appear great; tho we believe if they were duly enquir'd into, they would not be found so considerable, but that a great part of them might have been paid off, by the Perception of Profits before this time: However we humbly conceive that at present they will be much more than discharg'd by the Personal and other Forfeitures not before valued; which we now humbly lay before your Honours. *Endeavours to make the Incumbrances great.*

66. As we inform'd your Honours before, soon after the Battel of the Boyne, Commissioners under the Great Seal of Ireland were appointed, who had power to seize and dispose of the forfeited Goods and Chattels to his Majesty's use. These appointed Sub-Commissioners in the several Counties then in his Majesty's Possession; who made Returns of great Quantities of Goods and Chattels, which they valu'd at 135552 l. but at so moderate Computations, that every Horse was valu'd at twenty Shillings, every Cow or Ox at 15 s. Sheep at Half a Crown apiece, and other things proportionable. So that it appears very probable to us, that if the said Goods had been dispos'd of to the best advantage, they might have yielded between two and three hundred thousand Pounds. But before that could be done, upon Representa-

tion of the then Commissioners of the Revenue, the Power of disposing by the said Commissioners of Forfeitures, was superseded by a Letter from his Majesty within nine days after the granting their Commission, and plac'd in the Commissioners of the Revenue. By this means so much time was lost, before their Books and Goods seiz'd by the Sub-Commissioners could be transfer'd to the Officers of the Revenue, that the greatest part of them were either imbezeld by the Sub-Commissioners of Forfeitures, or the Collectors of the Revenue, or else plunder'd by the Army at their Return into Winter-Quarters; so that it does not appear to us, that there ever was accounted for to his Majesty, above the Value of 44000 *l.* Besides these, there were great Quantities of other Goods appear'd in the Inquisitions, which we do not find ever came to his Majesty's use: and many more were seiz'd by private Men. Indeed the Plunder at that time was so general, that some Men in considerable Employments were not free from it; which seems to us a great reason why this matter has not been more narrowly search'd into. Particularly, the Lord *Coningsby* seiz'd a great many black Cattel, to the number of 300, or thereabouts, besides Horses, which were left in the Park after the Battel of the *Boyne*, and which we do not find were ever accounted for to his Majesty: He also seiz'd all the Plate and Goods in the House of Sir *Michael Creagh*, Lord Mayor of *Dublin* for the Year 1689, which are generally thought to amount to a great Value: But this last is said to be by Grant from his Majesty. There were several rich Goods and other Household-stuff deliver'd by the Commissioners of the Revenue to the then Lords Justices, the Lord *Sidney* and Lord *Coningsby*, which we do not find were ever return'd, accounted for to his Majesty, or left in the Castle at their departure from the Government.

67. Farther, There were several other Quantities of Goods deliver'd by Order of the said Commissioners of the Revenue to Sir *Charles Porter*, Major-General *Kirk*, and others, which have not been return'd; and a great deal more taken by the General Officers of the Army, which it's said his Majesty hath since discharg'd.

Advantages made by those Forfeitures.

68. If we may believe the general Reports of the Country, very many Persons have made their Advantages of these Forfeitures: but the Time was so distant, the Proofs so difficult, and withal the Hopes of getting any part of them back again so remote, that we rather chose to prosecute more material Inquiries; therefore can give your Honours no further Information concerning them.

Sums due to forfeited Persons.

69. But since the Values of the before-mention'd Goods and Chattels are so uncertain, we make no Estimate thereof; but will proceed to take notice of some Debts by Judgment and Statute, and a few Mortgages due to forfeiting Persons not restor'd, which amount to 120013 *l.* 13 *s.* 10 *d.* as appears in a Book deliver'd in with this Report, N^o 8.

Exceptions those Debts are liable to.

70. And here it may be observ'd, That these Debts are liable to all the Objections made against the Incumbrances before mention'd; only with this difference, That as the Incumbrances may be presum'd to be in a great measure satisfy'd by the Perception of Profits, the Creditors being many of them in Possession, pursuant to her late Majesty's Letter in favour of Protestant Creditors, or at least that the full Interest thereof has been paid out of the Rents; so in the other, the full Penalty is due, no Interest appearing to be paid since the Forfeiture; and therefore we humbly conceive may be taken as so much in Discount, against Incumbrances.

71. And here we crave leave further to observe, That almost all the said Judgments were found in the Court of *Exchequer* only: And that from a Mistake of our Orders, no Return has been made from either of the other Courts of Law; by which means we believe many more Debts appearing on Record to be due to forfeiting Persons not restor'd, may be omitted.

Computation of other Forfeitures.

72. There are yet to be computed 297 Houses in the City of *Dublin*, 36 Houses in the City of *Cork*, with 226 Houses situate in the several Cities and Towns of this Kingdom; together with 61 Mills, 28 Fairs and Markets, 72 Rectories and Tythes, chief Rents amounting to 238 *l.* *per annum*; and 6 Ferries and Fisheries, lying within the several Counties and Baronies of this Kingdom, the Forfeitures of Persons not restor'd; which we value in gross at 50000 *l.* and place here among the Personal Forfeitures, towards the discharge of Incumbrances: And if we add the Debts due to forfeiting Persons, we humbly conceive 'twill fully discharge the Incumbrances aforesaid. And if there were room to apprehend any Deficiency, yet the Chattels real of Persons comprehended within the Articles of *Limerick*, which by the Construction of the said Articles they were not to be restor'd

restor'd to, would fully (as we apprehend) make up any defect that might remain, after the Allowances aforesaid.

73. It appear'd to us by our Observations in the Country, That a great part of the Lands call'd Unprofitable in the Surveys (except those in *Kerry*, which we account as nothing) are now Profitable Acres, and many of them as good as any Lands in the Kingdom; and tho they are not comprehended within our Valuations, yet are in themselves considerable. *Land call'd unprofitable, now useful.*

74. We have computed the forfeited Estates according to the present Values, and the current Price of Coin here, were they now to be set, without any regard to beneficial Leases made before the Forfeitures: And because we found it impossible either to come to a reasonable Knowledge of the number of them, and which are real, or fraudulently set up, we think it most proper to make a general Allowance for the same, by way of Discount on other Particulars; and if all the unprofitable Acres be cast in, it may near answer the Difference of Value the now beneficial Leases do make, from the present intrinsic Value, exclusive of them. *Allowances to be made in the Valuation.*

75. And lest this Allowance should be thought insufficient, we humbly conceive the Woods of this Kingdom now standing on the forfeited Estates not restor'd, may be worth sixty thousand Pounds; which we believe (if thrown in) will answer the Difference, provided some speedy Care be taken to prevent further Wast.

76. But lest our Allowances on the Particulars aforesaid, should not be esteem'd sufficient, we throw in all Denominations of Lands, to which we could annex no number of Acres, not receiving any Light either by the Surveys, Commissioners Books, Inquisitions, or our Enquiries in the Country; and because they are Quantities of Lands that vastly differ from one another, both in Value and Number of Acres, we can set no certain Estimate upon them: tho it seems very probable to us, that they amount to at least Seventy or Eighty thousand Acres; which we humbly conceive will much more than answer all the Deficiencies before-mention'd.

77. And here we shall take notice of the General Wast committed on the forfeited Woods of this Kingdom, particularly on the Woods of Sir *Valentine Brown* in the County of *Kerry*; where the Value of twenty thousand Pounds has been cut down and destroy'd. And the Wast made on the Woods of the late Earl of *Clancarty's* Estate, now in Grant to the Lord *Woodstock*, is computed at twenty seven thousand Pounds. And indeed so hasty have several of the Grantees or their Agents been in the disposition of the forfeited Woods, that vast Numbers of Trees have been cut, and sold for not above Sixpence apiece; and the like Wast is still continuing in many parts of this Kingdom; and particularly at this Instant, the Right Honourable Sir *John Hely*, Lord Chief Justice of the Court of Common-Pleas here, and *Peter Goodwyn*, Joint Purchasers of the Lands of *Feltrim*, within 6 Miles of *Dublin*, of the Right Honourable the Lord *Coningsby*, are now cutting down the very Ornamental Rows and Groves about the Mansion-house. Great Wast hath been made, and yet is committing on the Woods of *Oshogness* in the County of *Gallway*, purchas'd by *Toby Butler Esq*; for about 2500*l*. which is valu'd to above 12000*l*. And when we appointed some Persons to view and value the said Woods, the said *Toby Butler* did prosecute several of them by Indictment for so doing. *Wast committed on the forfeited Wood.*

78. Besides all the Forfeitures before mention'd, there are great Numbers of Persons guilty of the late Rebellion, and within no Articles, and never prosecuted; and very many have appear'd on the Exigent, which to this day are continu'd under Bail; and some of them were this last Summer Assizes try'd and acquitted. And indeed it does appear to us that the Freeholders of this Kingdom, thro length of time, and by contracting new Friendship with the *Irish*, or by Inter-purchasing with one another, but chiefly thro a general Dislike of the Disposition of the Forfeitures, are scarce willing to find any Persons Guilty of the late Rebellion, even upon full Evidence. *Many guilty Persons not prosecuted.*

79. By reason of this Delay of Prosecution, many good Estates by the Death of Parties have been lost to his Majesty.

80. And notwithstanding all this, it seems probable by the Multitude of Discoveries offer'd us, that if right Methods were taken, and proper Encouragements given, a great Sum of Money might be yet rais'd out of the Forfeitures that lie conceal'd. *Many conceal'd Forfeitures.*

81. There has been so great a neglect in the Prosecution of the King's Title, that no Inquisitions went into *Connaught*, till the Year 1695. which gave the forfeiting Persons time and leisure to set up what Incumbrances they pleas'd. And when they were issu'd, the Findings were almost as the Council of the forfeiting *Per-* *No Inquisitions in Connaught till 1695.*

Persons pleased: and indeed by the great disproportion of Protestants to Papists, which is computed at not one to fifty, and so very few Protestant Freeholders within most Counties of that Province, so little Justice is to be had there, that the Province itself seems scarcely reduced to his Majesty's Obedience. A late Instance might be given, at the last Assizes for the County of *Gallway*, where near Forty Persons were brought on their Trials for the late Rebellion, and the Majority of the Jury that had them in Charge, were Officers in the late King *James's* Army, and adjudged within Articles; and after that, 'twere needless to say they were all acquitted: tho by accident 'twas discovered, that Mr. *Kirevan*, one of the Persons then on Trial, was in actual Rebellion, and an Officer under the Foreman of the Jury, who was sworn to that Fact; which was a surprizing Difficulty to the Jury, who not well knowing how to acquit him upon so direct a Proof, resolved that the Dice should determine; and so the Jury amongst themselves threw the Dice who should absent himself, and the Lot falling on one Mr. *Pendergrafs*, he did absent himself accordingly; and so no Verdict was given on the said Mr. *Kirevan*, who was thereupon bound over to appear the next Assizes at *Gallway* to take his Trial.

The great Estate of the Earl of *Clanrickard* in Connaught.

82. The House of *Clanrickard* have a vast Territory within that Province, with few or no Protestant Tenants thereon; the greatest part whereof by the Attainder of the Lord *Boplin* (who is only Tenant for Life) is now vested in his Majesty: and we humbly conceive if proper Methods were now taken for setting the said Estate to Protestant Tenants by Leases for Lives, renewable for ever, 'twould greatly increase the Freeholders, and thereby secure the Property, and advance the Protestant Interest of that Province.

Grantees sell their Lands. And the Sums they amount to.

83. In the next place we humbly acquaint your Honours, That several of the Grantees have raised great Sums of Mony by sale of their Lands and Estates, in the whole amounting to the Sum of Sixty eight thousand one hundred fifty five Pounds, three Shillings, and one Penny, as does hereafter more particularly appear; viz. The Right Honourable the Earl of *Athlone* has sold to several Persons, so much of his Grants as amounts to the Sum of Seventeen thousand six hundred eighty four Pounds, twelve Shillings; and we think we ought to take notice, that the Lord *Athlone's* Grants are confirmed by an Act of the Parliament of *Ireland*. The Right Honourable the Earl of *Rumney* hath sold so much of his Grants, as amounts to Thirty thousand one hundred forty seven Pounds, eleven Shillings and one Penny, of which Five thousand three hundred twenty three Pounds, fourteen Shillings and seven Pence, remains unpaid in the Purchasers hands. The Right Honourable the Earl of *Albemarle* hath received Thirteen thousand Pounds in *England* by sale of part of his Grant. The Right Honourable the Lord *Coningsby* hath sold to the value of Two thousand two hundred Pounds: And *Thomas Keightley Esq;* hath sold and received to the value of Five thousand one hundred twenty three Pounds, ten Shillings: Amounting in the whole to the Sum of 68155 l. 3 s. 1 d.

Encouragement given to Discoverers.

84. We are also to acquaint your Honours, That there have been several Proclamations, and other publick Assurances given, that a fourth Part should be granted to such as should discover any concealed Forfeitures. To some of the Discoverers Grants have been made, and they appear in the Book of Grants, *Numb. 6.* and others affirm they have not yet receiv'd satisfaction. The whole we believe are under the Value of Two thousand Pounds per Ann.

Forfeitures in general have been chargeable to his Majesty.

85. And here we take notice, that the Forfeitures in general, notwithstanding they appear to be so considerable, have been rather a Charge than Profit to his Majesty; which might seem very extraordinary, if we did not acquaint your Honours, that many obscure Men, that had little or nothing since the Reduction of *Ireland*, are now reputed Masters of considerable Estates, and some of them very great ones: nor does there appear any visible Cause of their acquiring such sudden Riches, but by fishing in these Forfeitures. Indeed the whole Management has been so intricate, as it were design'd to be kept a Mystery; which has proved sufficiently advantageous to these Men, tho much to his Majesty's Detriment, who by this means has been deceived in the Value of his Grants, and in many Cases has given much more than he intended.

The Cause thereof.

86. There is nothing seems to us to have contributed more to it than the letting the forfeited Lands by Cant in the City of *Dublin*, and not in the several Counties of this Kingdom; for by that means very few Persons would come to Town, at a great Charge, and neglect of their Affairs, when they were sure to be out-bid by the Agents to Great Men, who aimed only to get into Possession, and had Interest enough

enough afterwards to have all or most part of the Rents remitted. Upon this Consideration Mr. Attorney General and Mr. *William Connelly* Esq; canted Lands in the County of *Kilkenny*, worth about 200 *l. per Annum*, to more than 20000 *l. per Annum*. So that private Persons who had no Interest, found it in vain to contend; besides, they were overaw'd by the Authority often of those that bid against them, which weighs much in this Country.

87. By these Methods, when others were driven off the Stage, they took the Lands at their own Rates; oftentimes, as we conceive, agreeing not to bid one against another: Particularly the Honourable *Thomas Broderick* Esq; and the said *William Connelly*, who took vast Quantities of Lands, and in a great measure govern'd the Cants (few Persons daring to bid against them) acted in Partnership in all they took in the Year 1695. and ever since, and let it afterwards to Under-Tenants at greater Rents: Which is the more observable in Mr. *Broderick*, who then was a Privy-Counsellor, and appointed by the Lord *Capell* to inspect the Cants, having been informed they were managed much to his Majesty's Disadvantage.

Abuses in Canting the forfeited Lands.

88. Nor could it be expected they should be better regulated, when many of the immediate Officers of the Revenue took Parcels of these Lands, and some were taken in Trust for the very Commissioners themselves: Particularly, the Lands of *Kerdiffs* Town were Let to *Henry Fernley*, who was a Nominal Person in Trust for Mr. *Culliford*, at Thirty one Pounds sixteen Shillings *per Annum*, tho actually canted at Eighty four Pounds. Several other forfeited Lands were taken by Mr. *Culliford*, and great quantities of Goods seized by him to his Majesty's Use, which he afterwards converted to his own Use.

89. Besides the great Abuses in the management of their Cants, We humbly represent to your Honours one Instance of a considerable Estate, that was Let without any Cant at all, by Direction of the Lords Justices, for at least One thousand Pounds *per Annum* less than it was then worth, and for a Term of Sixty one Years (tho by a Letter from his Majesty, dated the 8th day of *March* 1698. they were commanded to let it for a Term not exceeding One and twenty Years) and at a time too when there was a Term of one Year and half unexpired in another Tenant: This is a Lease of the Estates of Sir *Valentine Brown*, and *Nicholas Brown*, commonly call'd Lord Viscount *Kenmare*, within the Counties of *Kerry* and *Limerick*, made to *John Blenerhasset* and *George Rogers* Esquires, then Members of Parliament of this Kingdom.

90. Having already laid before your Honours the most material Parts of our Enquiry, We now crave leave to make a short Abstract of our Valuations, before We conclude our Report.

The whole forfeited Estates, since the 13th day of *February* 1688. We value at 2685130 *l. 5 s. 9 d.*

Abstract of the Valuation of the Forfeitures.

The Estates restored by Articles, We value at 724923 *l. 4 s. 6 d.*

The Estates restor'd by Favour we value at 260863 *l. 7 s. 3 d.*

The Debts affecting the Estates forfeited, and found by Inquisitions, or allow'd by Order of the *Exchequer*, we compute at 161936 *l. 15 s. 6 d.*

Against which we ballance the Debts due to forfeiting Persons not restor'd, amounting to 120013 *l. 13 s. 10 d.* as also all Houses, Tithes, Mills, Fairs, Markets, chief Rents, and Ferries, worth about 50000 *l.*

Ballance allow'd.

Against the beneficial Leases we ballance all the Acres call'd *Unprofitable*; and also all the Woods yet standing upon the Forfeited Estates, which we compute may be worth about 60000 *l.* and the Chattels real of Persons adjudged within Articles, hitherto never brought to any account.

But lest our Allowances should not be thought sufficient, we throw in all Denominations of Lands that have no Acres annex to them, which we cannot believe will amount to less than Seventy or eighty thousand Acres; and consequently, if valued in proportion with other Lands, will come to at least 140000 *l.*

Allowances.

The Estates yet undiscovered seem to us very considerable, but we can make no probable Valuation of them.

The Sums received by the Grantees, from the Sale of their Estates, amount to 68155 *l. 3 s. 1 d.*

Sums received by the Grantees.

We have taken no notice of any Debts due to Forfeiting Persons restored, or of any Incumbrances affecting their Estates.

And

Total Valuation of the Forfeitures.

And after the several Allowances before-mention'd, there yet remains 1699343 l. 14 s. which we humbly lay before your Honours as the gross Value of all the Estates forfeited since the 13th day of February 1688. and not restored.

We shall now conclude our Report, by laying before your Honours another Grant of a considerable Value, which we are apprehensive does not fall within the Letter of our Enquiry: But since the Benefit of some forfeited Leases or Holdings are therein granted, we chose rather to lay the whole Grant before you, than be thought deficient in executing any part of our Duty, or what might be expected from us.

Lady Orkney's Grant and its Value.

A Grant under the Great Seal of Ireland, dated the 30th day of May 1695. passed to Mrs. Elizabeth Villiers, now Countess of Orkney, of all the private Estate of the late King James (except some small part in Grant to the Lord Atblone) containing 95649 Acres, worth per Annum 25995 l. 18 s. Value total 337943 l. 9 s. The Particulars whereof, viz. the Number of Acres in each County and Barony, the Value per Annum, and Value Total, appear in a Book delivered in with this Report, Numb. 9.

There is payable out of this Estate Two thousand Pounds per Annum to the Lady Susannah Bellasis for her Life; and also One thousand Pounds per Annum to Mrs. Godfrey for her Life; and almost all the old Leases determine in May 1701. and then this Estate will answer the Values above-mentioned.

D U B L I N.

Fra. Annesley,
John Trenchard,
James Hamilton,
Hen. Langford.

Veneris 4 die Aprilis.

2 Guliel. & Mariae. 1690.

Resolved,

THAT a Bill be brought in to attaint all Persons guilty of Rebellion in Ireland, or elsewhere, against their Majesties King William and Queen Mary; and to Enact and Declare their Estates to be Forfeited, and to be sold for the Reducing of Ireland. And it is recommended to Mr. Solicitor-General, Mr. Serjeant Trenchard, Sir Richard Reynell, Sir Thomas Clarges, Sir William Poultney, and Colonel Birch, or any Three of them, to take care thereof.

Luna 5 die Januarii.

2 Guliel. & Mariae. 1690.

His Majesty's Gracious Speech to both Houses of Parliament.

My Lords and Gentlemen,

Having lately told you, That it would be necessary for Me to go into Holland much about this time; I am very glad to find that the Success of your Endeavours to bring this Session to a happy Conclusion has been such, that I am now at Liberty to do it. And I return you my hearty Thanks for the great Dispatch you have made in finishing the Supplies you have design'd for carrying on the War: Which it shall be my Care to see duly and punctually applied to that Service for which you have given them. And I do likewise think it proper to assure you, That I shall not make any Grant of the Forfeited Lands in England or Ireland, till there be another Opportunity of settling that Matter in Parliament in such manner as shall be thought most Expedient.

My Lords and Gentlemen,

As I have reason to be very well satisfied with the Proofs you have given Me of your good Affection in this Session of Parliament, so I promise my Self the continuance of the

the same at your Return into your several Countries. And as every day produces still fresh Instances of the Restlessness of our Enemies both at Home and Abroad, in designing against the Prosperity of this Nation, and the Government Established; so I do not doubt but that the Union and good Correspondence between Me and my Parliament, and My earnest and constant Endeavours for your Preservation on the one hand, joined with the continuance of your Zeal and Affection to support Me on the other, will, by the Blessing of God, be at all times too strong for the utmost Malice and Contrivance of our common Enemies.

Sabbati 4 die Martii.

5 Guliel. & Mariae. 1692.

The Humble Address of the House of Commons to his Majesty.

WE your Majesty's most dutiful and loyal Subjects, the Commons in Parliament assembled, having taken into our serious Consideration the State of your Majesty's Kingdom of *Ireland*, find our Selves obliged by our Duty to your Majesty, with all Faithfulness and Zeal to your Service, to lay before your Majesty the great Abuses and Mismanagements of the Affairs of that Kingdom:

By exposing your Protestant Subjects to the Misery of Free Quarter, and the Licentiousness of the Soldiers, to the great Oppression of the People there; which we conceive hath been occasioned chiefly by the want of that Pay which we did hope we had fully provided for.

By recruiting your Majesty's Troops with *Irish* Papists, and such Persons who were in open Rebellion against You; to the great endangering and discouraging of your Majesty's good and loyal Protestant Subjects in that Kingdom.

By granting Protections to *Irish* Papists; whereby Protestants are hindered from their Legal Remedies, and the Course of Law is stopt.

By Reversing Outlawries for High-Treason against several Rebels in that Kingdom (not within the Articles of *Lymerrick*) to the great discontent of your Protestant Subjects there.

By letting the Forfeited Estates at Under-Rates, to the lessening of your Majesty's Revenue.

By the great Imbezlements of your Majesty's Stores in the Towns and Garrisons of that Kingdom, left by the late King *James*.

And by the great Imbezlements which have been made in the Forfeited Estates and Goods, which might have been employed for the Safety and better Preservation of your Majesty's Kingdom.

We crave leave also to represent to your Majesty, That the Addition made to the Articles of *Lymerrick*, after the same were finally agreed to, signed, and the Town thereupon surrendered, hath been a very great encouragement to the *Irish* Papists, and a weakning to the *English* Interest there.

Having thus, most Gracious Sovereign, out of our affectionate Zeal to your Majesty's Service, with all humble Submission to your Great Wisdom, laid before You these Abuses and Mismanagements in your Kingdom of *Ireland*; We most humbly beseech your Majesty, for Redress thereof,

That the Soldiers may be paid their Arrears, and the Country what is due to them for Quarters; and that no *Irish* Papist may serve in your Army there.

And forasmuch as the reducing of *Ireland* hath been of great Expence to this Kingdom, We do also humbly beseech your Majesty, That (according to the Assurance your Majesty hath been pleased to give us) no Grant may be made of the Forfeited Lands in *Ireland*, till there be an opportunity of settling that Matter in Parliament in such manner as shall be thought most expedient.

That a true Account of the Escheats and Forfeited Estates, both Real and Personal, and Stores left by the late King *James*, may be laid before your Commons in Parliament, to the end that the said Escheats, Forfeitures and Stores, and the Imbezlements thereof may be enquired into.

‘ That no Outlawries of any Rebels in *Ireland* may be reversed, or Pardons granted to them, but by Advice of your Parliament; and that no Protection may be granted to any *Irish* Papist to stop the Course of Justice.

‘ And as to the Additional Article which opens so wide a Passage to the *Irish* Papists to come in and repossess themselves of the Estates which they had forfeited by their Rebellion, We most humbly beseech your Majesty, That the Articles of *Lymerrick*, with the said Addition, may be laid before your Commons in Parliament, that the Manner of obtaining the same may be enquired into; to the end it may appear by what Means the said Articles were so enlarged, and to what Value the Estates thereby claimed do amount.

‘ Thus, may it please your Majesty, We your dutiful and loyal Subjects, do lay these Matters in all humility before You; and as your Majesty hath been pleased to give us such gracious Assurances of your Readiness to comply with us in any thing that may tend to the Peace and Security of this Kingdom, We doubt not of your Majesty’s like Grace and Favour to that of *Ireland*, in the Safety and Preservation whereof, this your Majesty’s Kingdom is so much concerned.

Veneris 10 die Martii.

5 *Guliel. & Mariæ.* 1692.

His Majesty’s Gracious Answer.

Gentlemen,

I Shall always have great Consideration of what comes from the House of Commons; and I shall take great care, that what is amiss shall be remedied.

Jovis 18 die Januarii. 11 *Gulielmi.* 1699.

Resolved,

THAT the Advising, Procuring, and Passing the Grants of the Forfeited and other Estates in *Ireland*, hath been the occasion of contracting great Debts upon the Nation, and laying heavy Taxes on the People.

Resolved,

That the Advising and passing the said Grants, is highly reflecting on the King’s Honour: And the Officers and Instruments concerned in the Procuring and Passing these Grants, have highly failed in the Performance of their Trust and Duty.

Jovis 15 die Februarii. 12 *Gulielmi.* 1699.

Resolved, That an humble Address be presented to his Majesty, representing to Him the Resolutions of this House of the 18th of *January* last, relating to the Grants of the Forfeited Estates in *Ireland*.

Lunæ 26 die Februarii. 12 *Gulielmi.* 1699.

His Majesty’s Answer.

Gentlemen,

I Was not only led by Inclination, but thought my Self obliged in Justice to reward those who had served well, and particularly in the Reduction of *Ireland*, out of the Estates forfeited to Me by the Rebellion there.

The long War in which We were engag’d, did occasion great Taxes, and has left the Nation much in Debt: And the taking just and effectual Ways for lessening that Debt, and supporting Publick Credit, is what in my Opinion will best contribute to the Honour, Interest and Security of the Kingdom.

Resolved, That whosoever advised his Majesty’s Answer to the Address of the House, presented to this House on *Wednesday* last, has used his utmost Endeavour to create a Misunderstanding and Jealousy between the King and his People.

Other

Other Papers relating to the Irish Report.

To Francis Annesly, John Trenchard, James Hamilton, and Henry Langford, Esquires, Commissioners with us in the Execution of so much of a late Act of Parliament, made in England, as relates to the enquiring into, and taking an Account of the Forfeited Estates of Ireland.

The Memorial of Henry Earl of Drogheda, Sir Francis Brewster, and Sir Richard Leving Knights.

Gentlemen,

WE having jointly acted with you in the Execution of the Power to us given by a late Act of Parliament made in England, unto this present day, and having sign'd and seal'd three Books of Outlawries N. 1. three Books of Forfeitures N. 2. and also three Books of Adjudications at the Council Board, N. 3. and three Books of Adjudications at the Court of Claims, N. 4. and three Books of Pardons and Reversals N. 5. and three Books of Grants N. 6. and three Books of Incumbrances N. 7. and three Books of Debts due to forfeiting Persons not restor'd N. 8. which we conceive contain the Substance of the Account requir'd from us by the said Act; and our Secretary having drawn up the Report, by the immediate Directions and Privity of some of you, We have been present at the first and second reading thereof, and have deliver'd our Sentiments concerning the several Paragraphs thereof, which in all amount to the number of ninety, or thereabouts: After having done our utmost Endeavours to satisfy you and our selves, and to come to a perfect Agreement with you for the Publick Good, on the 28th day of this instant November, three Parts or Books of the said Report were prepar'd, read, and compar'd, and contain among other things, the Paragraph concerning the private Estate of the late King James, which we have before affirm'd, in our Opinions was not any forfeited Estate, within the meaning of the said Act; and the said Paragraph was much alter'd from what it was on the 24th day of October last, or at any time after, till the 23d day of this instant November; at which time it appear'd that mention is therein made of forfeited Leases, which are granted, together with the said Estate, tho neither the Continuances of such Leases, nor the Value of them above the reserv'd Rent, nor other Certainty of the said Leases does appear to us. We have declar'd, and do declare, that whenever the aforesaid Matters shall appear, we will join in the reporting of whatever is a Forfeiture, within the meaning of the said Act: Whereupon you were told by Henry Earl of Drogheda, that we could not give an Assent to the last Paragraph containing the said private Estate, nor to Paragraphs 8, 10, 25, 32, 66, 78, 79.

But that we would agree to all the said Report, except the above-mention'd Paragraphs.

Which you, Gentlemen, opposing, the said Earl did enter on one of the Books, or parts of the Report, address'd to the Honourable the House of Commons, a Writing to the Effect following.

We agree to all the above Report, except the 8, 10, 25, 32, 66, 78, 79 Paragraphs, to which we cannot assent, for Reasons which we will be ready to lay before your Honours when we shall be thereunto requir'd; which being written, we sign'd and seal'd the same, and pray you to join with us therein, or to subscribe your Names above the said Writing, thereby testifying your Assent to all the Paragraphs in the said Report.

But you, *Gentlemen*, insisting upon your Majority of four to three, have not only refus'd to sign the said Book address'd to the House of Commons, but have taken the other Books, containing the said Report, and address'd to his Majesty and the House of Peers, from us, and will not suffer us to join with you in such manner, as will (as we conceive) both answer the ends of the said Act, and satisfy our Minds in Matters which we are to certify upon our Oaths.

And when you propounded to us to make a separate Report, which we thought no way convenient for the Service; you yet were not willing to let us have Copies, either of that we had agreed to, or dissented from.

We therefore pray you, as well in consideration of the Publick Trust repos'd in us all, as of preserving a good Correspondence amongst us, that you will not be any hindrance to our Writing and Subscribing, and Sealing on the other Books and Parts of the Report address'd to his Majesty, and the Lords Spiritual and Temporal, in such manner as we have done on the Book address'd to the Honourable the House of Commons; we leaving you sufficient space above such Writing of ours, to subscribe and seal the whole Report; which if it be not done already, we will consent to make such Alterations as to make that feasible.

And we do insist, and in virtue of the aforesaid Act of Parliament pray and caution you, that you do not obliterate, cancel, or otherwise deface what we have (as we believe) solemnly sign'd, seal'd, and deliver'd, as aforesaid, pursuant to the said Act; but that the same, without Alteration, be laid before the Honourable House of Commons.

And we do likewise make instances to you, that we may be order'd, and not hindred from having Copies of the Paragraphs we have agreed to, but more especially, and speedily, those to which we cannot agree, to the end we may not be hindred by you from laying before his Majesty and the two Houses of Parliament, the Reasons why we cannot give our Assent to the said 8 Paragraphs.

We also put you in mind of the several Instances we have made to you, of comparing at our Board the original Depositions taken before us, with the Entry thereof in our Book, and signing such Book by us, after due comparing; which we think extremely necessary to be done, because the original Depositions appear too much blotted and interlin'd, and are thereby capable of great Alterations, which may tend to the Discredit of our Proceedings.

And lastly, we pray you, and insist, that this our Memorial be kept ready to be produc'd amongst the Papers and Proceedings of our Commission. Given and deliver'd unto you under our Hands and Seals this 29th day of *November*, 1699.

A Copy of a Letter to the Lord Chancellor of England; and the like Letter being sent to the Speaker of the House of Commons, the House would not hear it read, as not sign'd by a Quorum of the Commissioners sent.

Our very good Lord,

Their Letter to the Lord Chancellor of England, of the same nature with the Memorial.

WE having been appointed Commissioners, with four others, for executing so much of the late Act of Parliament made in *England*, as relates to the forfeited Estates of *Ireland*; and having acted jointly with them therein, to the Expiration of the time limited by that Act, and from that time attended the putting in order, and perfecting the Matters of our Enquiry, unto this present day; and having with them sign'd and seal'd the several Books containing the Names of the forfeiting Persons, the Particulars and Values of the forfeited Estates, real and personal; the Counties and Baronies wherein they lie, the several Grants and Dispositions of the Forfeitures, and the Considerations thereof; the Reversals of Outlawries and Pardons, of forfeiting Persons, and their Considerations, and how and by whom procur'd; We conceive that we have thereby in all essential Matters, answer'd the ends of the said Act, and compleated the Trust repos'd in us.

But since it was thought convenient, that a Report of our Proceedings should be also made for the better Explanation of the Books which contain the Substance, and to render them more useful and intelligible; we gave a general consent that the Secretary should draw it up, but gave then no particular Directions our selves concerning the same.

The Draught of which being produc'd, we excepted against several of the many Paragraphs contain'd in it; some for not being within the Power given us by the Act, and others as not warranted by Depositions or other Proof: and after many De-

Debates with the other Commissioners, We desiring to comply with them as much as possible, agreed to eighty two Paragraphs of the Report, containing more than all that related to the Books, and excepted only against about eight Paragraphs, tho we were not fully satisfy'd of several of those which we had pass'd in the manner they are expressed.

And when in these few Matters our Reasons could not prevail, but that they over-ruled us by a Pretence of a Majority, of four against three; and having labour'd to influence us by private Letters, Instructions and Directions, which they affirm'd they had receiv'd from several Members of the Honourable House of Commons, we did not insist further on having those eight Paragraphs left out of the Report.

But when the Report was engrossed, and came to be signed on Tuesday the 28th Instant, as we were content the other four should Sign and Seal the same, as they thought fit; so we desir'd to Sign and Seal the same, as an Approbation of all contain'd therein, except those Paragraphs: and accordingly on that part thereof address'd to the House of Commons, one of us did write words to the effect following, We agree to the above Report, except the 8th, 10th, 25th, 32d, 66th, 78th, 79th Paragraphs, and the Paragraph wherein the private Estate of the late Duke of York is included, to which we cannot agree for Reasons which we will be ready to lay before your Honours, when you are pleas'd to require them from us. And afterwards we Signed and Sealed the same, praying the other Commissioners to Sign and Seal as they thought fit, and offering to Sign and Seal the other parts of the Report address'd to his Majesty, and the House of Peers.

But they then instantly pretending to make an Order against what we did, refus'd either to Sign with us, or in a space left for them above our Writing, and hastily took away the other two Parts of the Report, which we had offer'd to perfect, and also took from us that part which we had already perfected.

We then adjourn'd, by Consent, till four in the Afternoon this Day: and understanding that they had pretended to make an Order for Cancelling the Report which we had Signed and Sealed; and seeing at the time of our meeting, that most of the Papers belonging to our Commission were taken away; We with all speed delivered to them a Memorial, under our Hands and Seals, offering thereby to Sign and Seal the other two Parts of the Report in the manner we had done the former, and to leave in them a greater Space for the other Commissioners to Sign and Seal above us; and if desired, to amend even that which was done before, praying them not to cancel what we had perfected.

We also put them in mind, that we had often made Request to them to compare the original Depositions which were taken before us, and were much blotted and interlin'd, and capable of great Alterations, with the Entries thereof in our Books, and that we might all of us Sign and Seal the said Entries; and we also prayed them to give us Copies of those Paragraphs to which we had agreed, and more especially those to which we dissented, that we might be the better able to represent to the most Honourable House of Peers, the Reasons of our disagreement to these Paragraphs. But finding no Success, and the other Commissioners owning to us, that they had, after our Adjournment the last Night, and after we were gone away, cut off that Leaf of the Report on which we had written our Consent, and put our Hands and Seals; and they insisting, that unless we would declare our Consent to all the Paragraphs, we should declare it to none; and refusing absolutely to let us Sign the said Report in any manner that might express our disagreement to any part of it: We think our selves under a necessity of applying to your Lordship to lay this Matter before the most Honourable House of Peers, that we may have an opportunity to shew that we have joined in the execution of all the Matters required of us by the said Act; and likewise the Reasons why, being upon our Oaths, we could not agree to those Paragraphs we excepted to. We are

Your Lordship's most faithful humble Servants,

DUBLIN,

Nov. 29.

1699.

Drogheda,

F. Brewster.

Ri. Leving.

House

House of Commons, *January* 16. 1699.

Irish Commissioners attending.

Sir Richard Leving first call'd in by himself.

Mr. Speaker. *SIR Richard Leving*, The House having been inform'd of something that you have said to a worthy Member of this House (which I am confin'd to examine you to) I may name the Person, because you have said it, as the House is inform'd, to more than one: The Member's Name is *Vernon*, and it is in relation to some Discourse that passed between you and one or more of the Commissioners for the *Irish* Forfeitures concerning the private Estate being put into the Report. The House requires you to give an Account of what you informed that worthy Member.

Sir Richard Leving. *Mr. Speaker*, I shall very readily obey the Commands of the House; but before that, I would inform you (if it be the pleasure of the House) of all that then passed.

Mr. Speaker. Pray take your own Method, give an account of what you know.

Sir R. Leving's Narrative of what past in Debate betwixt the Commissioners about reporting the Grant of K. J. his private Estate.

Sir Richard Leving. There was a Debate arose between the Commissioners concerning the reporting the private Estate: Upon that Debate I was of opinion, That that Estate ought not to have been reported, because not within our power by the Act: Upon this a Debate happen'd, and several Reasons were offer'd why this might be understood to be a Forfeiture; one Reason that was given was, that the Estate was the late King *James's* Estate, and so it was forfeited. To which answer was made, That if King *James* had forfeited it, yet it was not within the Act, because the words of the Act confin'd our Enquiry to Forfeitures since the 13th of *February* 1688. When that was said, there was another of the Commissioners that did say, I was always of opinion that this was a Forfeiture within the Act, because tho King *James* had not forfeited before, yet he coming into *Ireland* on *March* 15. 1688. he committed Treason against King *William* and Queen *Mary*, and forfeited that Estate. It was then objected, That this private Estate of the late King was parcel of the Possessions of the Crown of *England*, and was vested in him as parcel of the Crown of *England*; and the Crown being vested in King *William* and Queen *Mary* by an Act of Parliament made in this Kingdom, which settled the Crown in King *William* and Queen *Mary*, the Crown and all the Possessions were vested in them *Feb.* 13. 1688. So that that Estate being actually in his Majesty then, and tho otherwise it might have been conceiv'd that King *James* had forfeited afterwards, tho not then attainted, it could not be conceived how he could forfeit that Estate, because it was before in the King and Queen. And the same Gentleman that urged, that upon the 15th of *March* K. *James* landed in *Ireland* and committed Treason, was pleased to say, I don't dislike the 30th of *January*, nor the Deed that was done that Day; I like both the Day and the Deed. I confess I was surpriz'd at it, and said, If those be your Reasons, and this is your Agreement, I declare I will never join in it.

One of the Commissioners at this time was absent, but the next day that Gentleman was brought into the Room with the other Commissioners, and then this was debated again, and upon that Debate much of that Matter was spoke over again (not that relating to the 30th of *January*) but then it was again urg'd, that that Estate might be said to be forfeited; and the same Objections were repeated, and it seem'd to be assented to by the other Commissioners, that it was not strictly a Forfeiture, and some of them said it might not be within the Commission: then it was ask'd, Why then will you report it? And one of the Gentlemen did answer, that it was a villanous Grant, and therefore fit to be expos'd: I did not write down the Words at that time, because I had then no intention of making any Complaint, or publishing these Matters. But since they have cut off our Hands and Seals from the Report, it made us think it necessary to do what we have done. And it being said by a Commissioner not here, but in *Ireland*, If we take it not to be within our Commission, why will you do it? why will you report it? for it will fly in the King's Face: To which another answered, Why the Commission flies in the King's Face;

Debates about K. J. his forfeiting his private Estate.

Face ; if you won't fly in his Face, you can't execute this Commission, or you must not execute it, one of them two.

Upon this it was further urg'd, That this Matter should be reported ; and one of the Commissioners said, Tho it was not clearly within the Act, yet he had receiv'd several Letters from several Members of this House to report this Matter, and he said it was as good (or contain'd in the Letter, that it was as good) do nothing as not to report it. There was upon this an Expression by one of the Commissioners, that a great Person was concern'd [that was my Lady Ork-y] and the Application of that was, that if he was so tender of that Person, we should not join with them in any thing else: For, Sir, the Debate was grown to this pass, whether if we did not join in this thing, we should join in any thing else. This I think is the Substance of what I told that worthy Member: if I am ask'd as to any other Person, I shall give you a true Account.

Mr. Speaker. I am commanded to ask you, who were by upon this Discourse between you and the rest of the Commissioners concerning the Differences in Opinion, and how many, and particularly at that time that one of the Commissioners did say, that he thought that since it was not in your Commission to report that Grant, it would be a flying in the King's Face, &c.

Sir R. Leving. It was the day that the Commissioner that was sick first came to us, I believe about the 24th of October last: There were present at that time the Lord Drogheda, Sir Francis Brewster, Mr. Annesly, Mr. Trenchard, Mr. Hamilton, Mr. Langford, the Secretary, and my self, all were in the Room when this was said.

Mr. Speaker. Who was it said it was a flying in the King's Face? and who made answer that the Commission did fly in the King's Face?

Sir R. Leving. It was my Lord Drogheda said the first part, and Mr. Hamilton was the Person that said the other.

Mr. Speaker. Who said that concerning the 30th of January, that it was a good Day and a good Deed?

Sir R. Leving. That was the day before the other Discourse was; there were all but Mr. Trenchard, who was sick and came next day.

Mr. Speaker. Who said it, and upon what occasion?

Sir R. Leving. It was not a particular direction to any Person as I remember; but it was spoke by way of Answer: It was told Mr. Langford when he came in, Mr. Langford's Opinion. the Objection that was made against this being return'd as a Forfeiture, &c. And then he said, I was always of opinion that this was a Forfeiture, and that Kings might forfeit as well as others; and he thereupon said, he did not dislike the 30th of January.

Mr. Speaker. You mention'd that some of the Commissioners said they receiv'd Letters from Members of Parliament to insert this Grant into the Report: Please to repeat who had them, and from whom?

Sir R. Leving. The first time I heard mention of any such Letter was the first Night: After we rose we went to Mr. Trenchard's Chamber, who was sick, to consult; for this Debate occasion'd some concern in our Minds, and we did apprehend some Breach amongst us, and went to his Chamber to see if we could come to an accommodation; and offer'd Mr. Trenchard, and the rest of the Gentlemen present, That if they would take the whole Report without the private Estate, and sign it, we could join with them; and if they would put in an Article of the private Estate, they might sign it by themselves: for we thought if we could not agree to it, we would be no hindrance to them if they thought fit to do it; and then Mr. Trenchard said, he had Letters from several Members to report this private Estate, and that it would signify nothing if we did not report it. What passed in Mr. Trenchard's Chamber.

Mr. Speaker. Did he say that from himself, or that it was in any Letter?

Sir R. Leving. I do not say that positively, he shew'd me no Letter.

Mr. Speaker. Did he name any Member?

Sir R. Leving. I do not remember that he nam'd any Member.

Mr. Speaker. Who were present at that time in Mr. Trenchard's Chamber?

Sir R. Leving. Most of those Gentlemen I have named were there the next day.

Mr. Speaker. Who were by?

Sir R. Leving. My Lord Drogheda and Sir F. Brewster were not there, but the rest were there, and the Secretary I believe was there. The next day when we met again, there were present, as I inform'd you, all the Commissioners; and then Mr. Trenchard,

Trenchard, amongst other Discourse, did express himself in the said manner, and *Mr. Annesly* said, that he had receiv'd Letters from Members of the House.

Mr. Speaker. But *Mr. Annesly* nor *Mr. Trenchard* did not tell you the Contents of those Letters, nor from whom they receiv'd them.

Sir R. Leving. They said they had Letters to report this Estate, but they did not as I remember name any body, tho I did hear from my Lord *Drogheda* and *Sir Francis Brewster*, that they had nam'd Persons, but I did not my self take particular notice of any body.

Mr. Speaker. Did they produce any Letter, or shew you any ?

Sir R. Leving. Not then.

Mr. Speaker. When did you see any ?

Sir R. Leving. I did see a Letter the next Morning, and that Letter was shew'd to me by *Mr. Annesly*, but I did not think that Letter came up to the Point they spake over night.

Mr. Speaker. Can you remember the Contents of it ?

Sir R. Leving. I had rather refer my self to the Letter, I believe *Mr. Annesly* has it.

Mr. Speaker. Who wrote it ?

Sir R. Leving. Must I name him ?

Mr. Speaker. Yes, the House expects it of you.

Mr. Moore *Sir R. Leving.* His Name is *Mr. Arthur Moore*: And I did then take notice of it to *Mr. Annesly*, that this Letter did not amount to what they told us the Night before.

Mr. Moore
said to
write to
Mr. An-
nesly.

Mr. Speaker. You say you said to *Mr. Annesly*, you told us of a Letter you receiv'd from some Members to report this private Estate, but this Letter does not come up to what you told us. Upon which *Mr. Annesly* answered as for himself, If we do not report that private Estate, we had as good do nothing.

Sir R. Leving. I don't say so: Upon recollection, I do now believe that those Gentlemen, *Mr. Trenchard* and *Mr. Annesly*, did say that there was contain'd in the Letter that Expression, that if they did not put that Estate into the Report, they had as good do nothing; but when I once saw that Letter, I thought they had imposed upon us.

Then *Sir R. Leving* withdrew, and all the rest of the Commissioners that were then in Town, with their Secretary, were order'd to be brought in.

And accordingly *Sir Francis Brewster*, *Mr. Annesly*, *Mr. Trenchard*, *Mr. Langford*, and *Mr. Hooper* their Secretary were brought in.

Mr. Speaker. Gentlemen, I am commanded to enquire of you, and if you please you may speak severally to it: The House has been inform'd of some Discourses among you Gentlemen of this Commission, when you differed in Opinion about returning of *King James's* private Estate; the first time *Mr. Trenchard* was not there, and the next day that *Mr. Trenchard* was brought there: but I think the Discourse the House would enquire after was the second day when *Mr. Trenchard* was there, which was to this effect, That some Argument being given why this Estate was a Forfeiture, and other Arguments being given it was not, one of the Commissioners, as this House hath been inform'd, should say, If it be not within our Commission, 'tis a flying in the King's Face. Upon which another Commissioner made answer, Why the Commission it self flies in the King's Face; And for what are we sent hither but to fly in the King's Face, or to that effect ?

Members. No, no.

Mr. Speaker. I beg pardon if I mistake, the words were to this effect: The Commission flies in the King's Face; and if you will not fly in his Face, you must not, or you cannot execute this Commission. You are all said to be present when these words were spoken; so you will please to give account severally to the House what passed upon this Occasion, and what you remember of it. *Sir Francis Brewster*, if you please.

Sir Francis Brewster's *Sir Francis Brewster.* I beg leave to say, I am sorry for any Differences between us, and that we were as hearty as any in the execution of this Commission. But for the matter of the words now spoke of, there was some Discourse concerning the reporting that private Estate: *Sir R. Leving* said, it was not within our Enquiry. To which some Reply was made, Why if it was not within our Commission, yet it might be fit to be reported. My Lord *Drogheda* made answer, If it be not within our Commission, then it will be to fly in the King's Face to report it. Another then said, The Commission flies in the King's Face, and we can't act in this Commission unless

Sir Francis
Brewster's
Account of
those Mat-
ters.

less we fly in his Face ; I think that was said by Mr. *Hamilton*. Upon which some other Arguments went on to enforce the passing of it. At last some of the Commissioners said they had a Letter from several Members of the House of Commons, that gave them reason to believe they should report this Estate : I think it was said by Mr. *Annesly*. Upon which Sir *R. Leving* made answer, I do not think these Gentlemen have changed their Minds, that was, that Forfeitures might be made by Kings : Upon which it was answer'd, You are mistaken, a great many of your Friends are now come over to us ; and they urged it still more, and at last they said they had had several Letters about it. I must confess I made answer, I know not whether you have had any Letter, I never had any : But I must needs say, if I had no other reason I should not sign this Report, for I think I ought not to be directed by any private Member of the House of Commons, and that no Letter should prevail with me to do it ; I am loth to name any one.

Mr. *Speaker*. The House expects it.

Sir *F. Brewster*. I think they nam'd Mr. *Harcourt*.

Mr. *Speaker*. Who nam'd him ?

Sir *F. Brewster*. Mr. *Annesly*. He did not say in his Letter particularly, but did say something to that purpose, that if we did not report the private Estate we had as good do nothing ; and he said it was so in the Letter.

Mr. *Speaker*. Was you at Mr. *Trenchard's* Chamber the first Night that he was not at the Commission, the Night before he was brought thither ?

Sir *F. Brewster*. No, Sir, I was not.

Mr. *Speaker*. Mr. *Annesly*, If you please to give an Account of what you know of this Matter : you hear to what the House hath a mind to be inform'd ; 'tis as to the Discourse that happen'd amongst you the Commissioners the two days you differ'd in Opinion concerning the inserting of this Grant into your Report, and particularly as to the Words spoken by Mr. *Hamilton*, or what else you heard then.

Mr. *Annesly*. Truly, Mr. *Speaker*, I never expected to have been call'd to an Account for any thing that was said among the Commissioners in *Ireland* upon their Debates, or that any Gentleman in Commission with us would have acted such a Part here ; otherwise I should have been more observant thereof. But the particular Expressions which some of us are charged with by the Evidence now given, are of so extraordinary a Nature, that I could not easily have forgotten them ; Flying in the Face of the King, is so great a Reflection, and so foolish an Expression, that I think I could not have pass'd it by without the Censure it deserv'd. Sir, I do affirm to you upon my Reputation, my Credit, and all that is dear to me, that I never heard the least Reflection upon the King by any of the Commissioners, either in their Debates or otherwise, in execution of their Authority.

Mr. *Annesly's* Account of what pass'd in their Debates.

When I had the Honour to be appointed by you one of your Commission, I naturally reflected upon the Part I was to act in it, the many Enemies I must in likelihood create upon a faithful discharge of my Duty, as well amongst Men in Power, the Grantees, as the Purchasers, and others claiming under them ; of which I had some knowledg, having been formerly in *Ireland*. However, I was resolv'd upon a very short notice, not only to subject my own private Concerns to Disappointments, but to dispose of other mens Business, with which in the way of my Profession I was intrusted, to their best Advantage in my absence.

In discharge whereof I did act (and I hope it will appear I did so) with all imaginable Integrity. And it will be my hard Fortune, if after such my Endeavours I should fall under your Displeasure.

And as to what is alledg'd with respect to Mr. *Harcourt*, I do not remember that I ever mention'd his Name upon any Debate at our Board, whereby to influence any Man in his Judgment ; nor indeed upon any other account except in private Conversation, by drinking his Health, and by expressing my self with that Gratitude which became me towards one whom I had receiv'd particular Obligations from, and deserv'd well from me.

I never had any Letter from Mr. *Harcourt* that took the least notice of the private Estate, nor indeed that related to the Execution of our Commission, except in one Letter he said I might easily imagine with what pleasure he heard of the Success of our Labours, and that he was glad to find by the Account I gave him, that the Forfeitures were likely to answer the End for which we were sent over, and that was the only Letter I receiv'd from him during my stay in *Ireland*.

Receives a Letter from Mr. *Harcourt*.

Hearing abroad of such a Letter being mention'd in the House, I look'd all the Letters I receiv'd from any of the Gentlemen of this House during my stay in Ireland; but I own I am very unwilling to produce the Letters of any Person who favour'd me with his Correspondence, and do hope I shall not be oblig'd to it.

Mr. Speaker. For that you will have the further pleasure of the House; but do you say you never heard of those words of flying in the King's Face, or that your Commission did fly in the King's Face?

Denies to
hear the
words that
Sir R. L.
reported.

Mr. Annesly. From the time we first began to execute our Commission, till our Power was determin'd, I never was absent one hour, I think I may say one moment from Business; and I assure you I never heard those words, nor any thing like them, fall from any one of the Commissioners. As to the Debate among the Commissioners about returning the private Estate, some hot words did pass, and I will take notice to you (if you please) of some of them.

The Gentleman on my left hand did give very abusive Language to one of the other Commissioners.

Mr. Speaker. To whom?

Mr. Annesly. To Mr. Trenchard.

Another of the Commissioners said, he would battle it with us at the Bar of the House of Commons.

Mr. Speaker. Who was that?

Mr. Annesly. That was my Lord Drogheda. Says Sir Francis Brewster, I have as good Friends as you, meaning Mr. Trenchard, and we shall be as well heard there as you. Mr. Trenchard answer'd, I don't fear what you can do, if you won't be an Evidence against me: The ill Language Sir Francis gave forced that Expression from him; the Resentments were high, and the rest of the Commissioners then present endeavour'd to pacify and make them Friends. I own I then little suspected that Sir Francis, who took the Expression so ill, would have made good Mr. Trenchard's words at this Bar; if I had, I should have taken more notice of what passed. There might be some other Particulars that Sir Francis Brewster has charg'd us with, which I may have omitted answering; if you please, Sir, to remind me of them, I will give them the best Answer I can.

Mr. Speaker. Mr. Trenchard, if you please to give the House an Account of what you know of this Matter.

Mr. Tren-
chard's
Account of
those De-
bates a-
bout the
Grants.

Mr. Trenchard. I was present at the Debate about the private Estate, which was managed with great warmth, and much said on both sides; but I do not remember one word which this Gentleman speaks of that was directly so said; I do own there were some words that might give umbrage to this Accusation with those that were resolv'd to misunderstand them. The Occasion was this: My Lord Drogheda, as I remember, or Sir Richard Leving said, it would be flying in the King's Face to report this Grant: Upon which one of the Commissioners reply'd; My Lord, We have heard too much of this Argument already, and 'tis time to have done with it; we were not sent here to flatter, and if the enquiring into the Mismanagement of the Forfeitures be a flying in the King's Face, then our whole Commission is a flying in his Face. 'Tis not dishonouring but vindicating his Majesty, to shew he has been abus'd by Ill Men; and I doubt not but he will desert them when he has discover'd it, as the best and wisest Princes in all Ages have done. More than this I do affirm, upon the Reputation of a Gentleman, and the Word of an honest Man, was not said whilst I was at the Board.

Mr. Speaker. Who said the Words you have repeated?

Mr. Trenchard. 'Twas I, Sir.

Mr. Hamil-
ton vindi-
cated.

Mr. Speaker. You don't remember that Mr. Hamilton said any thing as to the flying in the King's Face?

Mr. Trenchard. I do affirm that Mr. Hamilton, to the best of my memory (and I think I could not mistake it) did not say any words relating to that Matter, more than that since we had enquired into the private Estate, and it was known in both England and Ireland, we should be thought bribed and corrupt if we did not report it: But I am very sure he said no words dishonourable of his Majesty; and if he had, I would have resented it at that time, as I suppose these Gentlemen would have done, and call'd upon others to have taken notice of it.

Mr. Speaker. What words did you hear said in your Chamber?

Mr. Trenchard. A great part of the time I was in that Kingdom, I was confin'd to my Chamber being sick, which I impute in a great measure to the fatigue of our Com-

Commission; during which time I had the Favour to be visited sometimes with ten or a dozen in an Evening, sometimes twice the number of the People of the best Fashion in that Country, and amongst the rest, my own Brethren often oblig'd me with their Company; without doubt in this time many Subjects were discours'd of, but the Particulars of any one Discourse I do not remember. I never treasure up what is said in private Conversation, and if I did, I scorn to tell it.

Mr. Speaker. Mr. Langford, you hear what the Gentlemen have given an account of, 'tis of what passed between you about putting the private Estate into the Report, and whether upon my Lord Drogheda's saying it would be a flying in the King's Face, Mr. Hamilton answer'd, Our Commission flies in the King's Face.

Mr. Langford. I was present when this Debate happen'd about the private Estate, and it was with a great deal of heat. It was objected by my Lord Drogheda, that it would be a flying in the King's Face to report the private Estate, and was not in our Commission. It was answer'd by Mr. Trenchard, we had that too often mention'd, to put us by the Execution of this Commission; that we did not think the discovering Abuses, a flying in the King's Face; but that on the contrary, we should do Service to his Majesty to lay the Matter before him, that he might see how the Grants were dispos'd of, and how he was deceiv'd in them: and he thought it was also necessary that both this House and the Kingdom should know it.

Mr. Langford's Account of the Debates.

Mr. Speaker. What did Mr. Hamilton say?

Mr. Langford. I did not hear Mr. Hamilton speak one word relating to the King, on this Point.

Mr. Speaker. Do you know of any Letters from Members of this House?

Mr. Langford. No, Sir, I had not the Honour to be acquainted with many Members; I had no Letter my self, nor did I see any.

Mr. Speaker. You are accus'd about words of your own.

Members. Do not ask him to that.

Mr. Speaker. Mr. Hooper, You hear to what purpose you are call'd in.

Mr. Hooper. Yes, I do, the whole Matter seems strange to me; I have not been absent from the Board, except when I was sick at Limerick, one hour during the whole Execution of this Commission: Nor did I hear one word spoken reflecting upon his Majesty, unless the Insinuation, that doing our Duty would be flying in the King's Face, which I think was a great Reflection upon him; and I think Mr. Trenchard has very well repeated his own Words. I am sure in substance they are the same. I am confident there was no Letter produc'd whilst I was at the Board, from any Member: and I believe by what Conversation I had with the four Commissioners, they never had any but what was fit to be produc'd; and for the Substance of what Mr. Annesly and Mr. Trenchard have said, I know it to be true. I never heard Mr. Hamilton speak but with great Honour of the King, and I do positively assert, to the best of my Memory, he never said any such thing, as is alledg'd against him, at the Board. I am confident I was present at all the Debates about the private Estate, and do remember the three dissenting Commissioners did immediately declare themselves against the Inserting it in the Report; three others that are present did as readily declare for it: so that Mr. Hamilton being in a manner solely left to determine this matter, complain'd that it was a great Hardship upon him; for, says he, my Lord Ork—y is my Relation and my Friend, and besides I am a Tenant to the private Estate, and 'tis very severe that the Decision of this matter should lie upon me. He added, he should be very well pleas'd if the Objection had been made sooner, and perhaps it might have had more Weight with him; and truly, Mr. Speaker, it did not appear that there was one of the Commissioners for above five Months, but seem'd to be peremptory for the reporting it, and accordingly Sir Richard Leving, and Sir Francis Brewster, join'd in the Examination of many Witnesses to the Value of it at Limerick, and other places, till about five days before the Power of the Commission ceas'd, when I mov'd the Board that I might have some Direction about that Estate; and they made an Order that I should immediately prepare the Report, and put this in it. And Mr. Hamilton gave this reason when he join'd with the Commissioners, We have made so great a noise about this Estate, by examining so many People to the Value, and sending for the Rent Rolls of it, that it is now the publick Discourse that it will be reported; and I know the World must needs say that we are brib'd and corrupted if we do it not: if it was possible, I should be glad to be excus'd; but I will rather lose my Friend, I will rather lose my little Estate, than be thought guilty of

Mr. Hooper's Account of those Debates.

Bribery and Corruption, and so gave his Consent to the reporting of it. And for the words relating to flying in the King's Face, I affirm they are false.

Sir Fr.
Brewster's
further Ac-
count.

Sir *Francis Brewster*. I desire to speak a few Words: You were pleas'd to ask me to give an Account of what pass'd about the Words, flying in the King's Face, and I find the House expects I should give an Account of the whole that pass'd then: and I beg leave to say farther, that when the Debate was about the private Estate, and those Words were said, about flying in the King's Face, which my Lord *Drogheda*, and others will take their Oaths of, and I believe Mr. *Hamilton* will not deny; at the same time this was said by Mr. *Trenchard*, I hear you talk of flying in the King's Face, I hope 'tis not flying in his Face; but this I must tell you, 'tis a villanous Grant, and ought to be expos'd. Upon his speaking so, words arose, and that Gentleman gave me ill Language; but my Language was not so bad, but he was forc'd to beg my Pardon at the Board, and I did not his; there he stands, let him deny it if he can.

Mr. Tren-
chard's
Vindication
of himself.

Mr. *Trenchard*. Sir, it is true, I did ask his Pardon, and the Occasion was this, as Mr. *Annesly* has acquainted you: I was provok'd by his opprobrious Language to reply, I fear'd him in no Capacity but as an Evidence, which he took very heinously: he repeated the word *Evidence*; he said 'twas below a Gentleman, below a Man of Honour, that such a one ought to be shun'd by all civil Conversation, that I had better have stuck a Dagger in his Heart, than have call'd him an Evidence; which now I think, Mr. *Speaker*, he won't resent so highly. This put the Board in great Disorder, and one of the Commissioners whisper'd to me (I think it was the absent Member, but I am sure all agreed in it) you know he is a very simple old Fellow; and tho he gave the Affront, you are in the wrong that you are capable of being angry with him. Truly, Sir, I was conscious to my self that I was much to blame, to suffer my self to be provok'd by him; and therefore, that the Debate might be interrupted no longer, I ask'd his Pardon. As to the other part I am charg'd with, that I call'd the Grant of the private Estate a villanous Grant, I directly deny it. 'Twas possible I might say 'twas an extravagant Grant, an unreasonable Grant, an unconscionable Grant, that the King was impos'd upon and deceiv'd in this Grant, to give that for 5000 l. per an. which is worth between five & six & twenty thousand. These are words that amount to it, and might fall from me, but that I us'd the word *villanous* I positively deny; 'tis a word I don't use in my ordinary Conversation, a word that never comes out of the Mouth of a Gentleman, and is false.

Mr. *Speaker*. Mr. *Annesly*, 'Tis understood that you receiv'd a Letter from a worthy Member of this House, Mr. *Moore*, and I think you told us that you had that Letter, and all other Letters that you had receiv'd from any Members; I know not whether the House will order the rest, but that worthy Member desires that his Letter may be produc'd if you have it.

Mr. *Annesly*. Mr. *Moore* has desir'd it, has he?

Mr. *Harcourt*. I desire mine too.

Mr. *Speaker*. Mr. *Harcourt* would have his too.

Mr. *Annesly*. It is with great Regret that I bring the Letters of Gentlemen here, especially those I receiv'd from any of the Members of this House, who did me the Honour to correspond with me at that time; tho I think there is nothing written in them that any Man need decline owning. And therefore, I think it will be more for their Service to shew them, lest they may be suspected for what they don't deserve: If this House obliges me to lay them all before them, I must submit.

Members. No, no.

Mr. *Speaker*. But that Gentleman desires you to produce his.

And Mr. *Harcourt* also desires his.

Mr. *Annesly*. I have but four in my Hand, one from Mr. *Moore*, one from Mr. *Harcourt*, the rest are from Mr. *Sloane*.

Mr. *Sloane*. I desire he will produce mine too.

Mr. *Speaker*. I think you nam'd but three, Mr. *Sloane* desires his too.

Mr. *Annesly*. There are two from Mr. *Sloane*, one from Mr. *Harcourt*, and the other from Mr. *Moore*.

Which Letters Mr. *Annesly* deliver'd in to the Clerk.

Mr. *Annesly*. I think it my Duty to say something for Mr. *Hamilton* who is absent, and that is to assure you that I never heard any Words fall from him that were unbecoming a Gentleman fit to be intrusted by you in this Commission; and as for that which is said of Mr. *Trenchard*, 'tis false as to my hearing of it: I was present at all the Debates, and I do not remember the least thing that ever came from him, reflect-

reflecting upon the King or his Grants, in the whole course of our Conversation, otherwise than as he has told you himself.

January 15.

A Motion being made, that the four Commissioners for *Irish* Forfeitures, who sign'd the Report presented to this House, have acquitted themselves in the Execution of that Commission with Understanding and Integrity; and a Debate arising thereupon,

Resolv'd, That the Debate be adjourn'd till to morrow 12 a Clock.

Order'd, That all the Commissioners for *Irish* Forfeitures who are in Town, and their Secretary, do attend the House to morrow at 12 a Clock.

January 16.

The House resum'd the Debate of Yesterday, and Sir *Richard Leving* was call'd in and examin'd, and then withdrew.

Then Sir *Francis Brewster*, Mr. *Annesly*, Mr. *Trenchard*, Mr. *Langford*, and Mr. *Hooper* were call'd in and examin'd, and then withdrew.

There having been divers groundless and scandalous Aspersions, cast upon *Francis Annesly*, *John Trenchard*, *James Hamilton*, and *Henry Langford*, Esquires, four of the Commissioners for the *Irish* Forfeitures;

Resolv'd, That the said four Commissioners have acquitted themselves in the Execution of that Commission, with Understanding, Courage, and Integrity.

Resolv'd, That Sir *Richard Leving*, one other of the said Commissioners, has been the Author of the said groundless and scandalous Reports, upon the four Commissioners before mention'd.

Resolv'd, That the said Sir *Richard Leving* be committed Prisoner to the Tower of London, for the said Offence.

And he was committed accordingly.

JUS REGIUM:

O R,

The King's Right to grant Forfeitures, and other Revenues of the Crown, fully set forth and trac'd from the beginning.

His Majesty vindicated as to his Promise concerning his Disposal of the Forfeited Estates.

The manifold Hardships of the Resumption, and the little Advantage we shall reap by it, plainly demonstrated.

Printed in 1701.

OF *Timoleon* the *Corinthian* we are (a) told, that when *Demenætus* a petulant and ungrateful Wretch, inveigh'd against him in the Publick Assembly at *Syracuse*, he only said, 'That he had now at length obtain'd his wish, for that he had always pray'd that the People of *Syracuse* might be brought to such a

The noble Saying of *Timoleon* of *Corinth*

(a) *Cornel. Nep. in vita Timoleon.*

state of Freedom, that any one might with impunity speak whatever he pleas'd of another. This Saying perhaps well enough became him, who had deliver'd his own native Country from the Yoke of Tyranny, and the People of *Syracuse*, to whose Aid he was sent, from inveterate Servitude. Some of them, truly sensible of the Obligations they ow'd their Deliverer, would have resent'd this, as the Historian tells us they did the like Treatment of another ungrateful Person, had not *Timoleon* in his great Moderation prevented it. He thought it decent in him to act agreeably to his own Principles, and to take care lest by his Overforwardness to punish, he might give a Check to that Liberty which he made it his Business to establish in the World.

Henry IV.
of France
allow'd of
Freedom of
Speech.

There have been others who have spoken in much the same strain, and some whose Moderation we have more reason to admire, when we consider the Greatness of their Power. *Augustus Cesar*, whenever any one told him that his own Person, and his Edicts were too boldly spoken of in *Rome*, us'd to say, *That (a) in a free City the Citizens Discourse ought also to be free.* *Thuanus* writing to the Great Hen. IV. of France, among other Encômiums tells (b) him, *That 'twas the rare Happiness of his times, that in them every one might think as he pleas'd, and speak what he thought.*

That Freedom which these great Princes pretended to allow without the least Check or Controul, was never indulg'd in a higher degree than here among us. An Historian (c) of our Age has given us some little Idea of our Condition, when he thanks God for this great Blessing to us, that we live in a time when we may not only think or speak, but also safely write what we believe to be the Truth, to which all Mankind do owe Allegiance. We may indeed speak and write what we believe to be Truth, but all Men will not keep within this Boundary; there are some modern Precedents, which we cannot copy after, unless we will forget more than the Allegiance which we owe to Truth.

Liberty
turn'd into
Licentious-
ness by some.

Tho Liberty be one of the greatest Blessings Men can enjoy, yet when I consider how licentious, in some Instances, it has been among us; what extravagant Sallies it has made beyond the Bounds of its own Franchises; and how injuriously and insolently free it has been with Truth, with Justice, and Majesty; in this extravagant (and I may say, too designing) exercise of it, I dare not call it a Happiness of the times wherein we live. Indeed if Men were influenc'd only by Principles of Virtue; if they embrac'd Truth in the love of it; if free from any Biass of evil Parties, or Self-Interest, they aim'd at promoting Justice and the Publick Good, 'twere no matter how great Freedom they us'd in their Discourse and Writings. Men of such sincere and uncorrupt Affections, wou'd frequently be very useful Monitors to our Legislature: and 'twou'd be otherwise of great Advantage to the Publick, that they thus us'd a Freedom in representing what they thought amiss.

Dr. Davenant's opinion of a deprav'd Country.

But a Commonwealth may be so distemper'd with evil Humours, it may be under the Influence of untoward and dangerous Affections, that may render such a Freedom altogether inconsistent with its Happiness and Tranquillity. It may not, perhaps, be very improper here, or foreign to the Design of this Discourse, to mention some Instances which have been deliver'd by others, particularly by the Author of *The Essay on Ways and Means*: 'When (d) a Country generally deprav'd in its Manners (*says he*) comes to have upon the Throne a virtuous Prince, with what Difficulties must he labour the Publick Good, among a People fantastical, conceited, greedy, proud, designing, ambitious and mercenary! such a King when he contemplates in his high Wisdom, all their natural and acquir'd Vices, must hardly think them worth the ruling: Such a Country may have a Hero come over to secure their Religion and Civil Rights, which were invaded, and to arm them against an Enemy, whose Power threatned to enslave *Europe*; yet he may meet with but few to imitate and assist his Virtues: and tho his Ends were the same with those of *Dion*, who came from *Athens* to restore the *Sicilians* to their Freedom; yet like *Dion* he may find the leading Men bury'd in their Vices, fitter Instruments of a Tyranny, than for the Sway of a good Prince, not thankful for his Benefits, nor capable of Liberty.

(a) Boterus de Politica, l. 7. c. 8.

(b) Thuani Epist. ad Hen. 4. ante Historiam.

(c) Tyrrel's General History, Introduct. p. 128.

(d) Vid. Discourses on the Publick Revenues and Trade of England. Part II. p. 310.

What Country, what Prince that Author here points at, it concerns not me to enquire. In such a Country, whatever it be, where the Peoples natural and acquired Vices are so great, that the Prince must hardly think them worth the ruling; where he has secur'd their Religion and Civil Rights, and yet they are not thankful for his Benefits, nor capable of Liberty: There I think extravagant Liberty, especially if it should make bold with that Prince himself, is not only highly dishonourable, but likewise extremely dangerous to that Country; and it must be own'd, that 'tis with very great Difficulties he is to labour the Publick Good, where they are greedy, proud, designing, ambitious, and mercenary: Where there are greedy and factious Subjects ready to sell, their Prince must be hard put to it to secure the Liberties of the Country.

An ungrateful Country for their Depravance.

Quis tulerit Gracchos de seditione querentes?

In another place the same Gentleman speaks (a) of Abuses in National Assemblies, and their long Sessions. He tells us, 'That 'tis in those continued Sessions, where the Skill is learn'd of Guiding, and being guided; where the Youth is deprav'd, and elder Sinners harden'd; where those Parties are form'd, that give the cunning Speakers so much weight and value, and where they can bring their Subtilty and Eloquence to Market. Afterwards (b) speaking of the Advantage of Eloquence in popular States, he says, 'That if it happen into Hands not entirely virtuous, it is a Tool with which great Mischief may be wrought: for thereby Sylla, Crassus, Pompey, and Cesar crept first into the Power which overthrew the Roman Liberty.

Abuses in National Assemblies.

Wherever corrupt Orators grow into such an Interest and Reputation as this, the Clamours they raise in National Assemblies, the over-great Freedom of their warm and bold Speeches may be very fatal to the Publick. This is easily imagin'd, when we consider, that the worst Men are most forward in Factions, and the greatest Boutefeus most honour'd by their respective contending Parties.

Corrupt Orators in Public Assemblies.

Ἐντα διχομασίη ἢ ὁ πάγκρατος ἔμμελλε πρῆναι.

Nothing therefore ought to be more the care of good Patriots, than to keep them as low in Reputation as they can: 'For (says (c) my Author) nothing can sooner hasten the ruin of a Country, than to have Men lifted high in the Opinions of the People, follow'd and trusted, in whom their Vices are much more prevailing than their Virtues. It must needs be so, if (as I think he would be understood) that generally be true, which, in another (d) of his Discourses, he speaks of some Popular Governments, 'That they chose for their mutual Strivings, for setting afoot Factions and dangerous Brigues, times of the profoundest Peace; and at such Seasons, Men grown popular by wicked Arts, ambitious Pretenders, light Orators, the worst sort of Citizens had the most Sway and Authority among the People. If these Factions spring from private Interest, (as he tells us in another (e) place) 'The desire of having more, and not the fear of losing what they possess, lies at the bottom of most disaffections to Government.

In this Opinion he is not singular, for a very honourable Person (f) tells us, 'That Parties in a State generally like Free-booters hang out false Colours; the Pretence is Publick Good, the real Business is to catch Prizes.

If some of these are embark'd in a Cause where their manifest Interest lies in subverting the Government under which they live; 'tis the Business of such Partizans, by fomenting Factions, by being clamorous and turbulent, and free in censuring Publick Administration, to open all the Avenues they can to Sedition. This is what they most aim at; and 'tis the natural Effect of that Liberty they take: for the Lord (g) Bacon tells us, 'That Libels and licentious Discourses against the State, when they are frequent and open; and in like sort false News, often running up and down to the disadvantage of the State, and hastily embrac'd, are a-

The Designs of corrupt Men.

Ld Bacon's Opinion about Libellers of the Government.

(a) Discourse on the Publick Revenues and Trade of England, Part II. p. 292.

(b) Ibid. p. 302.

(c) Ibid. p. 303.

(d) Discourse upon Grants and Resumptions, p. 14.

(e) Discourse of Trade, Part I. p. 83.

(f) Lord Marquis of Halifax his Political Maxims.

(g) Essay of Seditions and Troubles.

'mongst the Signs of Troubles. Seditious Tumults, and seditious Fames (*says he*) differ no more than as Brother and Sister, *Masculine* and *Feminine*; especially if it come to that, that the best Actions of a State, and the most plausible, and which ought to give the greatest Contentment, are taken in ill sense and traduc'd: for that (*says Tacitus*) shews the Envy great. It either shews that, or gives great cause to suspect that the turbulent Mutineers in raising Clamours thus, are rather acting for Pay that they have taken, than promoting the Publick Good.

The Case of the Irish Forfeitures the Subject of Libels.

A Man may take a great deal of pains in looking into the Records of former Times, before perhaps he may discover a more pregnant Instance of the evil Influence of Faction, of the unhandfom and dangerous Slurs, and Impositions on the belief of Men, by Fames disingenuously spread abroad, by licentious Discourses and false Suggestions, than what is plain and notorious in the Matter of the *Irish* Forfeitures. A great deal of Care has been taken by those Incendiaries, whose Harvest is to spring out of the Seeds of Dissension and Sedition, which they have sown among us, to make People believe that the King has been injurious to his Subjects, in granting those Forfeited Estates to a few, which the Community had a just Right to, to defray the Charge of the War; that tho the Representatives of the People put in their Claim to them, yet he granted them away, notwithstanding his solemn Engagements to the contrary.

The true State of the Case.

This Persuasion has been propagated with so much success, that I may venture to call it a generally receiv'd Opinion. Were it only embrac'd by those who have their Ears open to receive, and their Tongues ready and loose to echo again every thing that is spoken to the disadvantage of the Government, 'twould not be worth a Man's while to take any pains to undeceive them: But the Opinion has spread farther, it has been receiv'd by great Multitudes, who neither are poison'd by the Venom of the malignant and disaffected, nor impatient of the ease and tranquillity we enjoy. I wish those Persons would consider how unjust it is, over hastily to embrace and spread abroad a Report, wherein the Fame and Interest of any private Man is concern'd; but in their easy credulity in this Particular, they do not only forget the Allegiance they owe to Truth, but are likewise very unjust to the King, and forgetful of the Regard which is due to the Injunctions of their honourable Representatives in Parliament.

The House of Commons in ordering the King's Speech on the 5th day of *January* 1690. to be printed, took a very proper Course to prevent (what they might easily foresee would happen from the Transactions at that Time) all Reflections of this kind on his Majesty's Honour: for whosoever reads that Speech, without any prejudice or bias on his Will, must own that there is not the least ground for the malicious slander that has been rais'd of his Majesty's breaking his Word; but of this in another place.

Reflections on the Prince are injurious to his whole People.

There is no readier way that designing People can take to shake the Pillars of Government, than to destroy the Reverence of it: And what can do this more effectually, than by bringing the Prince under the disadvantageous Reflections of being injurious to his whole People for the sake of a few, and violating the Faith of Promises upon their account?

Those sanguine People, I know, whose natural Constitutions are such as will not easily receive the Impressions of Fear or Danger, will say that these are ill-grounded Suspicions, Dreams of the Timorous and Melancholy, who are too apt to be afraid where no fear is. The sober and thinking part of Mankind will, I believe, be of another Opinion, when they consider how possible it is, that what I here complain of, may in process of time be the occasion of the worst Evils imaginable to this Kingdom.

'Twill be needless that I here explain my self: I shall only ask these two Questions.

First, Whether it be not the Glory and Reputation of the Prince to which States owe their Alliance abroad, and the Strength and Perpetuity of those Treaties wherein their Safety consists?

Secondly, Whether it ben't possible that a People, by their Behaviour to their Sovereign, may tempt a Foreign State (especially if another great Temptation should fall in the way) to disregard Treaties and solemn Engagements; and to take Measures that have all the appearance of Danger and Mischief to that People? This Encouragement we may easily imagine may be taken abroad, when we consider what Confidence, what Spirit it has given to the Enemies of our Peace at home.

'Tis

'Tis notorious what Liberty those People of late have taken in their Discourse, who make use of all their Rhetorick and Cunning to reconcile others to that Interest, which can't be settled here, but with the subversion of our Religion, Laws and Liberties. To favour their Designs, great Numbers of Auxiliaries have come in from abroad: Those Popish Emisseries I mean, who have appear'd so openly, and with such Confidence in their Cause, that some of them have been taken and convicted. It must be a great Prospect that must make them so hardy, as to dare the Severity of our Laws, to expose themselves to such Hazards, and run the risque of being discover'd in a Country where there seems to be so little covert for them. The Case being thus in *England*, 'tis not to be wonder'd, that (as I am very well inform'd) they flock in great Numbers into *Ireland*, where they are more easily shelter'd from the Rigour of the Laws in the great croud of People there, who are of the same Faith, and ingag'd in the same Interest and Designs with them.

*Endea-
vours to
reconcile
Men to the
Jacobite
Interest.*

A Man may, by taking a very short view of our Affairs, easily perceive, what 'tis that has given Life to a forlorn and desperate Cause; and encourag'd these People to entertain hopes of subverting our State, which we all thought his Majesty, by a glorious and honourable Peace, had settled upon a strong and lasting Foundation. Had the Last Will of a late neighbouring Monarch been prior to the Influences I complain of, People would have look'd no farther; but would have call'd this alone the Sheet-Anchor of the Male-contents at home, and their Allies abroad: And not without reason; for what could give them more hopes than an Act, which if it take place must miserably break the Ballance of *Europe*, and at one stroke undo all that in the course of a long War we have with much Blood and Treasure achiev'd? The Evils I now speak of had another Original, and such as might perhaps give birth to this very Bequest.

*What has
given En-
courage-
ment to
that Party.*

Some honest and good Subjects, who are jealous of every thing that in the least derogates from his Majesty's Glory and Reputation abroad, think nothing had a greater part in them than the breaking of the Army after the manner it was done. So far, I confess, I must be of their Opinion as to own, That 'tis possible it might have been the Cause of very fatal Resolutions in neighbouring Kingdoms, if they put the worst Construction on it, and never consider'd that the Genius of this Nation is averse to a Standing Army; that our Constitution, and one Article in our Bill of Rights is against it; and that the States of this Kingdom will spare no Cost on Sea or Land-Forces, whenever there is occasion, to vindicate the King's Honour, and to act the old Glorious part they have a long time had in keeping the Ballance of *Europe*. Had Foreign States well consider'd how honourably the States of this Kingdom acquitted themselves very lately; what vast Sums of Money they rais'd, and with what Vigour they carry'd on a great and expensive War, without ever expressing their Inclinations to a Peace; they would have had but little reason for making this Act for reducing the Army, an occasion of taking Measures and Resolutions, which they otherwise would not have done.

*Disbanding
the Army
may be of
fatal Con-
sequence.*

But be the Influence of that what it will, 'tis sure there was another plain and visible Cause, from which these Misfortunes might spring: and as sure it is, that our disaffected Partizans, and the Popish Emisseries their Complices, whose Zeal for the Cause has of late been warmer than ordinary, have built their great Expectations on that Wound, which they themselves have made in the King's Honour. This Mr. Charnock's Letter in some measure shews, as far, I mean, as the Measures and Designs of a Party may be gather'd from the contrivance and reasoning of a leading Man in a Faction, in which the principal Members at least are observ'd generally to agree in their Sentiments. Whether that villanous Letter was written by the Person whose Name it bears, or by what other considerable Ruffian, who would persuade the Assassins of his Party to commit that horrid and execrable Treason he undertook, 'tis needless here to enquire, for that will signify nothing as to the use I here make of it. 'Tis pretended to be writ by him after his Condemnation, to a Friend, in confidence of his Friendship and Discretion, that he will not divulge what he writes, but in a proper season, [That is, when their Friends, by their great diligence and assiduity, and leaving no Stone unturn'd to serve their Cause, by spreading Rumors, and raising malicious Slanders, by putting the worst interpretation on all the Actions of the King and his Ministers, by complaining loudly of the Injuries done to the Publick, and managing so as to draw crafty and ambitious Men, who love themselves, and even People of less craft but more love for their Country, into their Party, should be able to change the Season, and make it more favourable and proper for their Designs] When the Minds of Men, grown more calm, should be more sus-

*Mr. Char-
nock's Let-
ter speaks
the Mind of
the Party.*

*The Direc-
tions about
the time of
publishing
it.*

ceptible of Reason, [when by managing thus, and traducing the State, they should alter the Affections of People, and not only make 'em abate of that warm Zeal with which they then supported the Government, but bring 'em to such a Temper, as to make them own that there was a good Reason for all their Calumnies;] and when it may be done without drawing more Persecution upon those honest Men who lie under the jealousy and suspicion of the present Government, [that is, when they had so far destroy'd the Reverence of Government, as that Plotters, who were then under great Discouragements, might strengthen their Interest so, by running in with the clamorous and discontented, and setting up the cry with them, as to hope to carry on their traitorous Desigas, without suffering for them, as they then did.]

From the Author's words, as they are here deliver'd, with a Gloss not perverting the Sense, it appears what he thought a proper Season for having his Paper made publick. His best Friend (as he calls him) into whose hands he put it, to be made use of in Time and Place, according to his discretion, thought it a very favourable Opportunity, and that things were ripe enough for it, when he saw the unwearied diligence of his Party (who, I fear, had greater Incouragements than People generally imagine) succeed so far, as to have the King traduc'd publickly, for breaking his Promise, and being unjust to his People: and accordingly then we know, was the seasonable Juncture of Time and Affairs, wherein he made his execrable Treason publick, 'twas soon after the last Session of Parliament.

The ruinous
Designs of
the Jacobites.

'Tis impossible for human Wisdom to say, how far precisely the Underminers of our State may serve their Cause (or rather I should say, what Ruin they may bring on these Kingdoms) by the Advantages they have taken of his Majesty's Grants. If it be my Opinion, that 'twill be of very dangerous Consequence to our State, to let them stand as they now do, with the Wound that has been made on his Majesty (to say nothing at present, of what our Reformed Religion has suffer'd, by the unusual, and very differing Treatment of Papists and Protestants) this, I hope, will be allow'd to be a sufficient Apology for this Undertaking.

The King's
Proceedings
vindicated.

My Design in it is, not only to wipe off those Aspersions which have been thrown on the King, and to shew that there is not the least ground for what evil Persons have suggested, of his breaking his Promise; but likewise to make People entertain another Opinion of his Grants than hitherto they have probably done: much care having been taken to lead Men into Error by false Reports, and few venturing on the other hand, on an Attempt so invidious as they knew 'twould be, to set this Matter in a true Light.

In vindicating the King's Honour, against the too open Aspersions of the worst sort of Subjects, who have labour'd to have him thought unjust to his People, and his Word, I must of necessity set forth his Majesty's Title to the Forfeitures; and the direct and natural Consequence of this will be, to remonstrate the Hardships which they all suffer, who either had Grants from his Majesty, or who purchas'd from them, or laid out Mony on Improvements.

This, I know, will be look'd upon as too bold a Remonstrance, and will, at first sight, be censur'd by more than the Disaffected (whose Endeavours I would willingly countermine) as an Attempt that arraigns the publick Justice of the Nation. This is a piece of Arrogance which I detest. I always admir'd the Temper of Pericles the Athenian, of whom we are told, (h) 'That whenever he spoke publickly, he wish'd that no word might fall from him, which might grate the People, or seem repugnant to their Wills. I can't reckon that Man so well fram'd for Society as he ought to be, who knows not how to submit his private Affections to the publick Will, but inveighs against the Ordinances and Acts of the Supreme Powers of the Country wherein he lives, and takes upon him to charge them with Injustice, with the same freedom that he censures the Actions of private Men. To the Powers Legislative, and their Sanctions, there is sure much more Respect due, than barely to abstain from speaking disrespectfully of them. But I think there is a mighty difference between reviling a Law, and representing the Inconvenience of it: The former is what a good Man can't do, and there are some perhaps who may think themselves not deserving of that Name, if in some cases they left the latter undone.

(h) Quotiescunq; verba facturus in publicum prodiret, optabat ut sibi nullum ejusmodi verbum excideret quod populum exasperare atq; irritare

posset, aut quod illi contrarium esset, & cum ipsius voluntate pugnare videretur. *Ælian. de var. Hist. lib. 4. p. 96.*

We of this Kingdom don't hold any Council upon Earth Infallible; and we know by an Act repeal'd the very last Session of Parliament, that the Wisdom of this Nation, not long before, pass'd an Act which prov'd inconvenient. If this was found out by any private Persons without Doors, whose way of dealing plac'd them in the best Light, to make the discovery (as perhaps it might have been) the last Resolution of our States shews how little faulty they were, who took a liberty of representing the Inconvenience of the former Act.

This is a Freedom which our Legislators, the great Patrons and Asserters of Liberty, will not disallow in a free State, where even licentious Writings and Discourses have pass'd uncensur'd, and Liberty is cry'd up as the great Blessing of the Age. As for the Freedom which I here contend for, if it be taken decently and modestly, it seems as little to need an Apology in this, as in any Case of this nature; for there never could be more reasons for it.

First, The Act of the States of our Kingdom, in the last Session of Parliament, does not only tacitly allow, but in a manner call for a Representation of the Hardships of that Act, if any such may be found in it. The printed Votes tell us, that before they pass'd that Bill, whereby the Estates of great Men, and the Titles and Interests of a vast number of Protestant People were resum'd, they made a Vote against receiving any Petitions. This seem'd a little hard to some, who did not look into the Reason of it. 'Tis true, *Magna Charta* says, *That Justice and common Right must not be denied to any Man, or delay'd (i).* We know, that the Heathen *Festus* thought it not Reason to send for a Prisoner, without shewing the Causes which were laid against him; and that *rescribere Principi*, to petition the Prince, and set forth their Grievances, was allow'd as the natural Right of Mankind, to the Subjects of Arbitrary Princes, even where the *Lex Regia* prevail'd, and the Sovereign's Will was the Law of the Land. *The Proceedings in Parliament about the Irish Forfeitures.*

Can we then suppose, that the States of this Kingdom (which has rais'd its Glory abroad, and been hitherto establish'd by the Righteousness of its Laws) would seize Mens legal Possessions (for so I must call them) without hearing what they had to say for themselves (especially when 'tis contrary to our *Bill of Rights*) if there had not been a Reason for it? What some imagine, that they were influenc'd by the *Irish* Commissioners, because they were known to say, before they came out of *Ireland*, that they would use all their Interest to prevent the receiving Petitions, is but a very weak Conjecture. Our Legislators knew, without any Information from them, that if they receiv'd Petitions (which could not serve the turn of all the Aggriev'd, because it was impossible to hear them all) 'twould take up the whole time of the Session. This made it necessary to them, to postpone particular Cases, and defer for a time that Justice which some thought was due to private Men, for fear of the Publick's suffering by it. If they made themselves Masters of the Forfeitures in one Session, by resuming them in gross, they knew that, as a Statuary by cutting off great Quantities of superfluous Matter, by degrees fashions his rude Marble into a beautiful Figure, a Monument which in after Ages will give Reputation to the Workman; so should they afterwards be able (when without hazard of the Bill, they could venture to descend to Particulars) by cutting off from what they resum'd, to remove Grievances, and thus shape the Resumption into a more comely Figure. I shall do nothing therefore unbecoming a good Subject, if I presume that it was to give an Opportunity for such Amendments, that the Wisdom of this Nation would not have the last hand then put to that Affair, but left it in some Cases doubtful and imperfect; that with an explanatory Act, which should be necessary, there might be room for Justice and Mercy, which they knew were more necessary. This then being, as I imagine, no improper season for all Complainants to set forth their Grievances, and for the States of this Kingdom to consider, what they are to cut off from this first Mass to give it a just Form, or whether the Matter of it is such as can be wrought into a Monument that will bear being transmitted to Posterity, or no; it must be allowed to private Men to speak their Minds freely, and let in upon them all the Light they can, in a Matter of so great Concernment to publick Reputation, and the Interest of Multitudes. *Petitioning the Prince always allows'd.*

(i) Nulli negabimus aut differemus justitiam aut rectum. *Mag. Chart. c. 29.*

The King's
Right to
dispose of
the Forfeitures
not
well under-
stood.

Another great Reason, why a Freedom should be allow'd to give all the Light that may be in this Affair, is, because 'tis in its own nature obscure, and as yet but very little understood. The King's Right to dispose of Lands vested in him, and the true Reason of it, is a Subject which many, who have good Affections to their Country, and great Abilities to serve it in the most publick Capacity, have not had Leasure and Opportunity to consider and understand, as they ought to do: And the Learning of Resumptions lies so much in the dark, that very few are Masters of it.

'Tis in this great Obscurity that the Enemies of our State have broken in, and after they had cast the mist before the Eyes of the ignorant, ventur'd boldly even at the Subversion of our Government, by impeaching the King's Honour and Justice as they did in all places of Concourse, and destroying the Publick Credit of his Ministers. 'Twas the Darknes of Affairs that favour'd their seditious Designs; were it not for that, they never, I believe, would have had any Cloke or Colour for the Liberty they us'd. There is none but the supreme Being, whose Wisdom is infinite, who can be secure, *when Clouds and Darknes are round about him, that Righteousness and Judgment shall be the Habitation of his Seat.* In matters dark and obscure, all human Wisdom is subject to Error, but more especially where *the God of this World has Influence, and blinds the Eyes of Men.*

The Liberty
pleaded for
justified.

There is yet another great Plea for the Liberty I here crave, to set forth the Hardships of that Act, and represent things in their true and proper Colours; and that is grounded, not only on the Darknes of the things themselves, but the Industry that has been us'd, and the Measures that have been taken to render them more obscure, and by shameful Falshood to endeavour to impose even on our Legislators themselves. I shall not here, under this Head, take notice of the Mistakes, which the Gentlemen, *constituted Commissioners for inquiring into the Forfeited Estates*, were guilty of: their Oversight, which misled the Parliament, and drew them into Resentments, and a Fondness for that Bill, which they could not have had, if they had seen things in their naked Truth, I shall consider in their proper place. That which I would here remark is, the Disingenuity that Gentleman was notoriously guilty of, who the last Year publish'd the *Discourse upon Grants and Resumptions*. Tho the Business of the Book (as the Title Page sets forth) was to shew, *how our Ancestors proceeded with such Ministers as procur'd to themselves Grants of the Crown-Revenue, and that the forfeited Estates ought to be apply'd towards the Payment of Publick Debts*; yet has he not in all that long and factious Discourse, in any one instance shewn, that our Ancestors pretended that 'twas against the Law of our Land, that any Ministers should have Grants of the Crown-Revenue, or that forfeited Estates should be otherwise dispos'd of, than towards the Payment of Debts, or any other Use of the Publick. In the whole Work there is not one thing said relating to the Argument, that can in the least serve to keep that bold Discourse in Countenance, unless it be that shameful Assertion of his, *That the Grants of the Crown Land, made for these last ten Years, are void in Law.* It must be great Disaffection to the present Government, that makes him pronounce so severely against his Majesty's Grants, when the Reason he gives for it (which is no reason at all) holds as strong against all the Grants that have been made above these two hundred and ninety Years. By this I find what he says in another (a) Discourse (taken notice of before) may be true, That a People may have a Hero come over to secure their Religion and Civil Rights, which were invaded, and to arm them against an Enemy, whose Power threaten'd to enslave Europe, yet he may meet with some not thankful for his Benefits.

Giving of
Grants the
undoubted
Right of
the Crown.

His Discovery of his Majesty's Grants being void, which no Lawyer dream'd of before, was very remarkable: he found, it seems, in the Tower, where he has taken a great deal of pains in hunting for Knowledge that lies under abundance of Rubbish, a Parliament Roll, whereby he learn'd that 11 Hen. 4. It was plainly and directly enacted, "That all manner of Hereditaments, which from thence forward should fall into the Crown, should not be alienated, but remain to the King (b). This Law," he says, *is positive, unrepeal'd, and still in force, as much as Magna Charta.* If it be so, how comes it to pass, that no mention is made of it in any of our Books? That none of our Parliaments have ever taken notice of it, when (as I shall make appear) there have been many Acts that have mention'd the King's Grants, as settl'd

(a) Discourse on the publick Revenues, Part 2. p. 310. (b) Vid. Discourse on Resumptions, pag. 303.

uncontroverted Rights of the Crown. The Discoverer perhaps will say, that this was owing to the Misfortune of its lying bury'd under Rubbish in the Tower, till he found it out. But then I would ask, how it came to be bury'd in the Rubbish there, and not found in our Statute Book among other Acts, if (as he would insinuate) 'twas made to be a perpetual Security to the Revenues of the Crown? Suppose it were so, does it not lose some of its Strength? Is it not grown obsolete, after its lying in Rubbish almost 300 Years, after that it has been implicitly repeal'd by a great number of Acts, which have allow'd the King's Grants? Is it still in force as much as *Magna Charta*, which has been confirm'd by above forty Acts of Parliament? How comes it to pass, that in the 28th of *Hen. 6.* when (according to our Author) the first regular Resumption was, and there were so many Complaints of the Peoples great Poverty by reason of the King's Grants, not one Word was said against the King's Right of granting (which was plainly allow'd by the Act, and what the Lord Chancellor (c) *Fortescue* said) when in that complaining Parliament there must needs be several who were Members of that of *Henry 4.* where 'tis pretended, that the King's Right of making Grants, was destroy'd by a positive and perpetual Law; when the Accession of *Henry 6.* to the Crown (in whose time almost all the Crown Lands, which in the beginning of his Reign (d) were about a fifth part of the Lands of the Kingdom, were granted away) was not 12 Years after that Law was made?

The Truth of the matter is, that was never thought to be such a Law as this Author is pleas'd to make it, and that he knows very well. That Act, such a one as it is, could only respect the Circumstances of that time; and 'twas so far from tying up the hands of all succeeding Kings, that it could not bar *Henry 4.* himself from making Grants. This is very plain from the Commons part, in the Petition to the King; for they pray, that for the future (*en temps ensuant*, which he (e), to make it a perpetual Act, renders for ever hereafter) no Grant may be made, till the King shall be out of Debt, and unless there be remaining in his Coffers sufficient for the Provision of his Family. A Man who would venture his Reputation so far, as to call this an Act of Parliament as strong as *Magna Charta*, and trump it up against the King to void his Grants, must, one would think, have some other Design than to serve his Country. 'Tis possible there may be nothing else in it, and that a great foreign Minister's Coach, which has been seen often at his Door, only carry'd its Lord with civil Visits thither; but methinks the Letter writ into *Ireland* to one of our Commissioners for enquiring into Forfeitures, does a little too plainly discover a Design not easily justify'd, if what I am told be true, that the Letter assures that Commissioner, that this Author's Book should meet them here in the Winter. If this be not sufficient to open the Eyes of every true *English* Man, his Book lately publish'd must plainly shew them what this Author aims at, and in what Interest he is imbark'd.

This perhaps may put my Reader upon reflecting a little, and considering what in reality his Services are, which he so mightily boasts of, when he (f) tells us, 'That he has constantly endeavour'd to make his Studies tend to the Service of the Publick, his Aim has been to incite in young Gentlemen a desire of being acquainted with the Business of the Nation; and this Knowledge lying under abundance of Rubbish, his Scope has been to remove this Rubbish, and to dress up crabbed Matters as agreeably as he can. Is it his Sense, that to endeavour to weaken his Majesty's Government, and serve a Party imbark'd in ill Designs against the Father of the Country, is to serve the Publick? Is the Business of the Nation, with which young Gentlemen should be acquainted, Faction and Mutiny against the King? To furnish Arguments and Matter for this Faction, is it a meritorious Work to search for Records that lie under abundance of Rubbish in the Tower? Would he make us believe, that to abuse such Records, to make them father a notorious Falshood, and even to destroy our Constitution, is to dress them up agreeably to true *English* Palats, when 'tis only making them serve the turn of a Party?

When so much Artifice has been us'd to lead Men into Error, when Nations have been impos'd upon, and the Reverence of the Government, in which our Safety consists, has suffer'd by it; 'twill not, I hope, be taken ill, that a private Man steps in, and speaks what he thinks is Truth.

A great and worthy Man (g) of our Law tells us, *That altho silentii tutum præ-*

The Act of H. 4. was only a temporary one.

The Author of the Discourse of Resumptions his Design is to weaken the Governm.

(c) Vid. *Discourse on Resumptions*, p. 259.

(d) Sir J. Fortescue's *Treatise de Dominio Regali*, *Discourse on Resumptions*, p. 257. (e) Pag. 303, 304.

(f) *Discourse on Resumptions*, p. 41. (g) Lord Chancellor Ellesmere's Speech concerning the Post-nati, *Epist. to the Reader*.

When Silence becomes a Crime.

mum, is often true in human Policy, yet there is crimen reticentiæ; and he from Chrysostom observes, That there are three Articles in which Men are injurious to Truth. 1. In concealing the Truth out of Fear. 2. By changing Truth into a Lie. 3. By not defending it. If it be my Opinion, that our Commonwealth is brought into great Hazard, by the Injury that has been done to it in the second Article, I thought it could be no Crime in me to avoid being guilty of the first and last.

Nothing but such a Regard to Truth and Justice, and the Apprehensions I have of ill Consequences attending the Mistakes Men are led into in this matter, could make me undertake a Task so invidious, as I know this will be. What Sentiments I have I shall offer with great Sincerity, being altogether disinterested in this Affair, and having no Ingagement to sway me, but what should influence any one, who regards the Duties incumbent on him, as he is a Subject, and a Man.

'Twas a Law of Solon, That if the Commonwealth at any time should be divided into Factions, the Neuters should be noted with Infamy. His Design herein could be no other than to ingage all those who in their Tempers were vertuous, peaceable, and modest, to appear openly in the Concernments of the Government; concluding assuredly, that by this means the Designs of the Factious would be disappointed, and the Ruin of the Nation by the Contrivance of wicked Men prevented.

The Author's Motive to ingage in this Discourse.

This was the great Motive that dispos'd me to ingage in this Undertaking. Tho what I say must, I know, be ungrateful to a great many, yet I can't doubt of finding quarter in their inward Sentiments and Censures; since, as my Lord Bacon observes, *The Cause of Laws, and defence of the antient State, have ever found this Privilege, that such as for their own Interest disturb the same, excuse (if they honour not) their Defenders.*

The King's Title to the Forfeitures vindicated.

The principal Design of this Discourse being to rectify an Error, which, thro the evil and false Suggestions of Malecontents, has too universally obtain'd, and to shew what Injustice has been done the King, in the Opinion Men have entertain'd of his Grants and Promise: the First thing I am to do is, to set forth the King's Title to the Forfeitures, and the Right which he has to make Grants of the Revenues of the Crown. If in the first place his Majesty's Title appear to be good, and this be a clear, settl'd, and undoubted Right in him, 'twill, I think, not only go a great way towards the refuting those Men, who derive a Right and Title to the Publick from the Claim of the Commons, which they call reasonable; but 'twill induce us likewise to interpret his Majesty's Promise (as 'tis call'd) more favourable; and 'twill represent to the States, and all the People of this Kingdom, the Hardship of their Case, who are depriv'd of the legal Rights which they enjoy'd under the King's Title, whether they were Rewards for Services, or Lands purchas'd with Mony, or Leases made valuable by Improvements.

Tho by the perpetual Common, as well as Statute Law of this Kingdom, all Estates forfeited for Treason do vest in the King; tho this be as clear as the first Principles of our Law; tho it be no less manifest, that 'tis his Majesty's undoubted Right to make Grants of such Forfeitures of the Crown, yet must I ask Pardon of the Gentlemen of the Law for being so absurd (for so 'twill seem to them, and to all who understand how plain our Law is in this matter) as not only to undertake the Proof of settl'd and uncontroverted Points, but likewise to be a little longer on it, than they perhaps will think the Subject requires. There is in my Opinion a Necessity for it. The Author abovemention'd (whose Book is thought to have had a very Publick Influence) has told the States of this Kingdom, that the King had no Right to make Grants; and others who are not ignorant of what is Law, do, without regard to our Constitution, use Arguments drawn from what they call reasonable and convenient, and would have legal Rights submit to them. To shew these Men their Errors, I shall not only prove the King's Right to Forfeitures, and to make Grants of Revenues of the Crown, but by tracing things up to the first Source and Spring, shew that this Right stands upon another Foundation than People generally imagine, such as Men, who have a just regard for our Constitution, and would give Cæsar his first and great due, can never consent to undermine.

The King's Title proved.

To prove the King's Title to the forfeited Estates in Ireland, I need only take notice, that by the Act of (b) Edward 3. here in England (which by Sir Edward Poyning's Act is in force in Ireland) all those who levy War against our Lord the King in his Realm, or adhere to his Enemies, are guilty of Treason; and that of such Treason

(b) 25 Edw. 3. c. 2.

the Forfeiture of the Escheats pertains to our Lord, as well of the Lands and Tenements holden of others, as of himself. But tho I mention this Act, to satisfy my Readers of the most ordinary Capacity, that those Forfeitures belong to the King, yet I would not have them think, that 'tis this, or any other Act of Parliament, that gives him a Title to them. This Statute introduces no new Law: the short Preamble to it shews that before the making of it, there were divers Opinions concerning Treasons; and therefore the Act (as the Title of it sets forth) is no more than a Declaration what Offences shall be adjudg'd Treason; and when it mentions that the Forfeiture of the Escheats pertaineth to the King (which, as to any Operation those Words have, might as well be let alone) it does not by any enacting Clause create a Title, but declares or supposes a settl'd Right antecedent to it. 'Tis a Right inherent in the Crown, a Prerogative of the King (and consequently (i) the Common Law of this Land) prior not only to any Ordinances, and Acts of the States of this Kingdom, but, I may say, to all other his Prerogatives likewise. This will be manifest, when I come to shew that our Kings, from whom all Lands either immediately or mediately are held, did not grant away the Lands with which they infeoffed their Subjects or Followers absolutely, but conditionally, and with a Reservation of Service and Fidelity to themselves; so that whenever the Service were deny'd, their Faith violated, and consequently the Condition of the Tenure broken, the Estate should return to the King the first Donor, who reserv'd the *directum Dominium*, or absolute Propriety to himself.

All Lands held mediately or immediately of the King.

When by the Rebellion of a Subject his Estate returns thus to the Crown, 'tis so absolutely in the disposal of the King, that whether he may grant it to another, will no more afford matter for Controversy, than whether the King could at first grant it. The famous *Molinaeus* (k) tells us, That in France, all Estates whatsoever returning to the King by Right of Confiscation, may be alien'd and granted away for ever by him, without the consent of the Parliament at Paris. This is a settl'd Right wherever the feudal Constitution has obtain'd; and for very good reason: for where Lands are granted conditionally in Fee, and they by breach of Covenant, and Dissolution of the Tenure, return to the Donor, or him who succeeds him in his Rights and Prerogatives, he has the same Right to dispose of 'em, that the Lord at first had.

The Estates of Rebels return to the Crown.

Upon this Account it is that to grant Forfeitures and all Escheats whatsoever, has been always allow'd to be a Prerogative of our Kings, a Right inseparable from the Crown; and as plainly deriv'd from the antient Kings of this Realm, as the Crown it self and the supreme Dominion of the Land. This is what they have always practis'd, and their Right was never disputed, till the Author of the Discourse on Resumptions made bold to deny it.

The Grant of Forfeitures, a Right of the Crown.

That which he has asserted (as I observ'd before) is, that the Grants of the Crown-Lands made by his Majesty (l) are void in Law.

That neither this Statute nor any other Law restrains the King from making Grants either of Hereditaments that were to fall afterwards to the Crown (which are only restrain'd by that Act) or of any of its antient Revenues, will be made to appear, First, from constant Usage: Secondly, from several Acts of Parliament: Thirdly, from the Resolution of our Judges, and the Judgment of the Lords in Parliament.

First, Constant Usage demonstrates the King's Right; and shews that the Act cou'd be of no force to bar him from making Grants of either sort. Had this been an Act of such Force as is pretended, and design'd to secure all the antient Demesnes, and after-Escheats, and to keep them in the Crown; we should have heard of it very early: for on both these accounts, we had great need of its Assistance very soon after its Birth. 'Twas but about ten Years after the passing it, that Henry the Sixth came to the Crown. That Prince had in Lands, Tenements and Hereditaments, near the Value of the fifth Part of his Realm. The Grants made in his time were so great, that, besides a vast Debt of five hundred thousand Pounds on the Crown, there was not left above five thousand Pounds *per annum* to support it. 'Twas this that put them upon Thoughts of a Resumption, of which I shall have occasion to speak anon. These Grants were not only of Lands that had been before in the Crown, but of new Forfeitures likewise and Escheats, of which there were great Plenty in this King's Reign. That he had a Right to

Proved by constant Usage.

(i) Coke, Institut. 2. p. 496, 497.

(k) Feuda, subfeuda & alia quaecumque immobilia ab eodem dominio dependentia, quae ad Regem jure Confiscationis vel commissi deferuntur, possunt libere

per eum alienari & in perpetuum concedi, &c. Tit. 1. de fiefs, S. 43. nu. 184. p. 1061.

(l) Discourse on Resumptions, p. 257.

grant, and that it behov'd him thus to reward the Services of deserving Men, Sir John (m) Fortescue, a Man as just to the Rights of the People as the Prerogative of the Prince, does plainly tell us : and 'twill appear that this was the Sense even of the Parliament of that time. What was then done so soon after making that Act, has ever since been constantly practis'd ; all Hereditaments that have since fallen to the Crown, either by Forfeiture or Escheat, our Kings have always granted away as they have pleas'd : Nor has their Right to do it been ever any more question'd, than the very first Principles of our Law, till this Author, out of a very particular respect to his present Majesty (of which he has given a very plain Demonstration in his Book lately publish'd) was pleas'd to question his Title. The Usage has been the same in all other Lands and Hereditaments of the Crown. To satisfy my Reader of this, I need only desire him to enquire what are become of all the Crown-Lands, all the antient Demesnes which are (*in libro rubro*) in the Red Book. He will find that Subjects are possess'd of them all ; and that the first Title was deriv'd from the King's Grants.

The same
further
proved.

Secondly, The King's Right, and the Nullity of the foremention'd Act is farther demonstrated from several Acts of Parliament. To refute that Gentleman, I need only mention the Acts of Resumption taken notice of by himself. In the first Resumption (as he calls it) which was in the 28th of Henry the sixth, we don't find that the Commons in their Part of the Act take any notice of the Act of Henry the fourth, at the passing of which some of them must needs have been present. They don't there say, as our Author now does, that by virtue of that Act the King's Grants were void. No, but they plainly allow the contrary: for they themselves put in several Savings. A Saving certainly allows a Right, for Savings of nullities would be trifling and impertinent.

Fees for
passing of
Grants re-
gulated.

The same is farther demonstrated from the King's Part of that Act : for he reserves to himself a Liberty to except as many as he thought fit, and accordingly does except 185. Would this have been allow'd a weak Prince, as Henry the sixth was, had there been any Sense in these Savings and Reservations, if there had been an Act as much in force as *Magna Charta*, and that Act had made all such Grants actually void ? Thus it was in all those Resumptions, not one of them mentions this Author's *Magna Charta*, but there are Exceptions in every one of them (which shews, that the King was allow'd to have a part in those Acts) and in the last Resumption in this King's Reign (n) there is a plain Reservation for his Prerogative in these Words, *always his Prerogative reserv'd*. When the King could insert such a Clause as this, was it possible that there should be any Act then in force, to prohibit his making Grants ? Does it not rather follow, that he by his Prerogative claim'd a Right to make Grants, which no Act of Parliament should destroy ? This seems to me to be the Sense of those times, and of this Saving for his Prerogative. This may be farther demonstrated from several other Acts of Parliament. In the Reign of Henry (o) the eighth, an Act passed, which settles the Fees of the Clerk of the Signet, upon passing Grants from the Crown. In the Reign of King Charles (p) the Second, in the Act for laying Impositions on Proceedings at Law, among many others, a Rate is set for every Grant of Lands in Fee, Perpetuity, Lease for Years, and other Grants that shall pass the Great Seal of England, Seal of the Exchequer, Seal of the Duchy or County Palatine of Lancaster ; the like to which has been done 5th & 6th Gul. & Mariae. These shew, that the Parliaments allow'd the King's Grants to be good. In the Reign of Edward the sixth, in an Act (q) passed to settle Doubts concerning the Tenure of Lands holden of the King (*viz.* whether they should be accounted Tenures *in Capite*) we find the Resolution of the States concerning all Honours, Castles, Mannors, Lands, Tenements, and other Hereditaments, which were then come to the King, or should afterwards come to him, his Heirs, or Successors, by means of Attainder, Conviction, Outlawry, &c. and be bolden of them. This makes it plain, that the Parliament thought of no Statute of Henry the Fourth's time, then in force, which did restrain the alienation of all Hereditaments which should afterwards fall to the Crown, since this Act speaks of Hereditaments which should fall to the King, and afterwards be held of him. That such Grants have had the Allowance of Parliaments, is farther demonstrated from two

(m) *Discourse on Resumptions*, p. 257.

(n) 33 Hen. 6. Numb. 47.

(o) 27 Hen. 8. c. 11. (p) 22 Car. 2. c. 9.

Resumptions, p. 207.

(q) Anno 1 Edw. 6. cap. 4.

other Acts (a) made in the same King's Reign, to confirm the King's Patents, notwithstanding any *misnaming, misprision, or misrehearsal, or any other default* (according to the Forms that were in use) *contain'd in the Acts*. It had been very absurd in Parliaments, thus to make Laws, to dispense with several things requisite by common Usage to make the King's Letter available, if it had been against the Statute Law of this Land for the King to grant such Letters Patents.

It may be objected, that the Sale of the Fee-Farm Rents was by Parliament; therefore without Concurrence or Authority of Parliament, the King cannot make Grants. *Objections*

To this the Answer is very easy, that those Acts (b) were not of Necessity, but for Security against Exceptions and Niceties on Grants, and to encourage Purchasers. *Answer. Why a Law made for the Sale of Fee-Farm Rents.*

Thirdly, Besides constant Usage, and the Allowance of several Parliaments, the Resolutions of our Judges and Sages in the Law farther demonstrate the King's Right, and shew, that no Law restrains him from making Grants of the Revenues and Hereditaments of the Crown. 'Twould be an endless and indeed needless Labour here, to quote Authorities, of which our Books are full, to shew, that Grants made by the King, either of Escheats or Forfeitures, or any other Revenues of the Crown, are good and legal Titles, since there is not any one Book that proves such Grants to be void; but all the Rules in Law concerning the passing of Grants, demonstrate the contrary.

For proof of the Matter in hand, I shall confine my self to the Judgments given in two particular Cases. *Judgments given in particular like Cases.*

The first is, The Case of a Merchant Alien, in the first Year of Queen Mary.

The second is, The Case of the Bankers since his Majesty's Accession to the Crown.

The first Case (as we find it in *Dyer* 92.) was thus: King *Edward* the Sixth had granted to a Merchant Alien, that he might transport or import all sorts of Merchandize, not exceeding in the Value of the Customs thereof fifty Pounds, paying only to the King, his Heirs and Successors, for the Customs of such Merchandizes, no more than any *English* Merchant was to pay. This antient Custom (as it appears from my Lord *Vaughan*, 161, 162, 163. and my Lord *Coke* 4. Inst. f. 29, 30.) was given to the King by Act of Parliament, in the third of *Edward* the First; but 'twas formerly thought to be by Common Law, which my Lord *Vaughan* says, in the place above-cited, was the Opinion in the Times of *Henry* the Eighth, Queen *Mary*, and Queen *Elizabeth*. *In Q. Mary's Time.*

In the first Year of Queen *Mary*, 'twas a Question before all the Judges in the *Exchequer* Chamber, whether upon the Death of King *Edward* the Sixth, the Customs granted by him to that Alien Merchant were not determin'd? Their Resolution was, that the King's Patent remain'd good for the old Customs, and the Reason was, because they (not knowing it seems in those Times, that 'twas given by Act of Parliament) thought the King had an Inheritance by his Prerogative; for so the words of the Book are, *En que le Roy aver un Inheritance, comme Prerogative annex a son corone*. From hence it appears that in the Judgment of the Learned Judges of those Times, a Grant made by the King of an Inheritance which he had by his Prerogative annexed to his Crown, was good. Whether their Judgment would have been the same, if they had known that Custom had been given by Act of Parliament, I leave my Reader to guess from what follows.

The second Judgment I shall take notice of, is that which was given in the Case of the Bankers; which shews us what was the Judgment, not only of all the Barons of the *Exchequer*, and afterwards of all the Judges in the *Exchequer*-Chamber, but of the Lords likewise in Parliament, concerning Grants of the King, and the Power he has over the Revenue of the Crown. *The Judgment about the Bankers.*

The Case, as far as it concerns us to state it, was thus: King *Charles* the Second borrow'd Money of the Bankers of *London*, for the payment of which he charg'd his Excise. Since his present Majesty's Accession to the Crown, there was a Trial before the Barons of the *Exchequer*, for the Arrears and growing Rent claim'd by the Creditors as due, by virtue of the Patents granted by King *Charles* the Second. *The Case of the Bankers stated.*

(a) Anno 1 Edw. 6. cap. 8. Anno 7 Edw. 6. cap. 3.

(b) Anno 22 Car. 2. c. 6. Anno 22 & 23 Car. 2. cap. 24.

The Points which came into Controversy were two:

First, Concerning the Grants, whether they were good: Secondly, Concerning the Remedy, whether 'twas proper.

That which it concerns us here to take notice of, is their Judgment upon the King's Grants; concerning which I desire these two things may be noted.

First, That they were Grants of a Revenue given the King by Parliament, which methinks should render them liable to more Exceptions than Grants of Escheats, or Crown Lands, the first Tenure of which sprung from the King himself, and not from any Gift of the People.

The Excise granted in lieu of Purveyance.

Secondly, That they are Grants of a Revenue given the King in lieu of Purveyance, which by our Law could not be alien'd from the Crown, because 'twas for the maintenance of the King's Household.

The Judges Opinion in the Case.

This Consideration made a difference in the Resolutions of those learned Judges. Mr. Baron L—re own'd, That it ought to be granted, that the King has a Power over the Inheritance of the Crown in general; and he said, That if he could charge his Revenue, he might alien it: For what, said he, is the Revenue but the Profits of the same? By Profits and Emoluments a Mannor passeth. Notwithstanding he was of Opinion, That this particular Revenue is not chargeable. His Reason was, because this Revenue was given to the Crown in lieu of Purveyance; he thought the Recompence ought to be in the Crown, as the Tenure was for which 'twas given, particularly, because the Act of 12 Car. 2. cap. 24. which destroy'd the Tenures, and gave that Revenue of the Excise, in the 15th Clause enacts, that it shall be paid to the King's Majesty, his Heirs and Successors, FOR EVER HEREAFTER. And in the 40th Clause, That it should not be let for above the Term of three Years.

The Chief Baron and the other two Barons, allow'd the King's Patents to be good; and in the Judgment given by them, several things were deliver'd, which settle the Matter now in Controversy.

First, 'Twas said, that the King may alien in Fee his Crown-Lands, which Baron L—re allow'd, tho he differ'd from them as to the Excise.

Secondly, That a County Palatine is grantable, and that the Kingdom of Man has been granted.

Thirdly, 'Twas said, that what the King can grant, he may also charge; for that there is no difference between the Grant and the Charge of the King.

Fourthly, That there is no difference between corporeal and incorporeal Inheritances, as appears by the Grants of Hundreds; and that the King may grant or charge any Inheritance of the Crown.

Judgment in the Exchequer about the Bankers Case.

After Judgment thus given in the Exchequer, a Writ of Error was brought in the Exchequer-Chamber, and the Lord Keeper call'd to his Assistance all the Judges of England: and here, tho the former Judgment was revers'd, yet was not this latter Judgment grounded upon the Right of the Petitioners, but upon the Remedy taken to recover it, which was judg'd to be improper; not one of all the Judges here dissented from what the Barons of the Exchequer said, concerning the King's Right to make Grants of the Revenues of the Crown, but 'twas allow'd by them all.

The Power of the King over his Revenue, asserted by the Lords.

After this, the Lords in Parliament, upon Appeal to them, allow'd the Remedy to be good, and revers'd the Judgment given in the Exchequer-Chamber, and shew'd, that they were of the same Opinion with the Judges concerning the King's Power over his Revenue, and the uncontroverted Right he has to make Grants.

This Judgment they gave the very same Session of Parliament, that the Bill was pass'd which resum'd his present Majesty's Grants. Different Circumstances may occasion very different Judgments. We know how that Bill was left with their Lordships, at the last Conference they had with the Commons.

From what I have here shewn from constant Usage, from several Acts of Parliament, from the most solemn Resolutions of all the Judges in Westminster-Hall, and the Judgment of the Lords in their Supreme Judicature; it appears that the King has a settled and undoubted Right to dispose of any Hereditaments of the Crown, whether they be the antient Revenues of it, or such as vest in him by Escheat or Forfeiture.

But if we trace things up to the Fountain, and discover the first source of this Right, we shall find that the Reason of it is such, as will silence all those who argue for the Reasonableness of resumming his Majesty's Grants.

There

There is, I think, a great difference between a Right which one has originally in himself, without any Gift or Concession of others; and that which is deriv'd from the People, and committed to him in Trust, to manage for his and their common Good. The Power which the Sovereign has over the Revenues of the Crown, is of the first sort: 'Tis not of his Subjects Gift, but his own Acquisition. This is plain in our Constitution, and in all the *Gothick Settlements in Europe*.

For this Reason it is that our wise and just Ancestors have not only in all Ages heretofore allow'd this Right and Property vested in our Kings, but have in effect told us, that 'tis a Prerogative inherent in the Crown, a Peculiar so sacred, that it lay clear out of the reach of their Power. This is evident from their Acts of *Resumption*; the Savings in them for the King's Prerogative are so many tacit Acknowledgments of a Right in him, which they had no Power to restrain.

There are other Acts which are implicit Recognitions of this sacred and inviolable Right. In the Reign of *Henry the Eighth* (*Anno 27. c. 28.*) the Act which seiz'd the lesser Monasteries, vested them in the King: Under the name of *Lesser Monasteries*, those were comprehended which were worth under two hundred Pounds *per Annum*; of these there were three hundred seventy six, some of which were notwithstanding worth thousands. Several of those Monasteries were founded by private Men; therefore upon the surrendry of them, Questions arose concerning the Right men had to the Lands. The Founders and Donors thought, that those Houses being dissolv'd, they had a Title to the Lands that were given by their Ancestors to those superstitious Uses, and that they ought to return to them by way of *Reverter*. Another Title was set up for the Superior Lords, from whom they were held; for tho the Founders had totally alienated those Lands from themselves and their Heirs, yet 'twas thought hard by some, that they should be wrong'd of their Escheat: but the Arguments neither for the one nor the other did avail. These Houses were left absolutely to the disposal of the King, tho the Lands and Treasure that belong'd to them (I mean even to these lesser Monasteries) were worth more than all the King's *Irish Grants*.

But 'twill be ask'd, What can all this signify to the Matter now in hand, since those Houses were dissolv'd, and the Power of disposing those Lands was given the King by Parliament? In answer to this Objection, I would ask how it came to pass, that the Parliament left those Lands to the disposal of the King? We know very well, that the Publick had occasion for such Funds in those Times; and 'tis not to be question'd but there were then, as well as in other Ages, Patriots who prefer'd the Good of the Publick, before gratifying the Cravings of hungry Courtiers. The truth of the Matter was, they thought they of Right belong'd to the King; and the States of our Kingdom in those Ages of the World were of Opinion, that to give *Cesar* his due, and to keep to the Constitution, was not at all inconsistent with that Justice and Regard they ow'd their Country. By the *Roman Law*, or at least by a Judgment of the Senate in *Theodosius's* Time, the Endowments of the Heathenish Temples were (upon a full Debate, Whether they should return to the right Heirs, or be confiscated) in the end adjudg'd to the Emperor's *Exchequer*. And here in *England* the Founders having alienated the Lands from themselves and their Heirs, and the Superior Lords being allow'd no Right of Escheat, they were allow'd to be in the disposal of the King, to whom by our Constitution all Lands and Treasure that have no Owner do belong.

But 'twill still be urg'd, that 'twas by virtue of the Power given him by Parliament, that he granted them away. 'Tis true indeed, the Act of Parliament did impower the King to grant and dispose of them at his Will and Pleasure: but it does not at all follow from hence, that he would not have done so without any such Power given him by the Act. The Act of the same King (*31 H. 8. c. 13.*) which destroy'd the greater Monasteries, had no words of disposal in it, and yet those Estates were granted by the King, and they have hitherto stood as strong as any of the others. Tho we have had no *Resumption* since that time, yet we have had frequent Parliaments. If it be said, that most of these greater Monasteries were of Royal Foundation; and therefore, as the Learned Bishop of *Sarum* (a) tells us, must have come to the Crown without dispute: This shews us, what regard the States of the Kingdom had to our Constitution in those days, when, besides the Revenue and

The Right originally in the King, & not a Gift of the People.

The Case of the Monasteries in K. Hen. VIII's Reign.

The Abbey Lands left by Parliament to the King's disposal.

Lands and Treasure that have no Owners belong to the King.

The great Monasteries disposed of by K. H. VIII.

(a) *Hist. of the Reformation, Part I. pag. 262.*

Wealth of the lesser Houses, they submitted to that Right which the King had to dispose of the vast Treasure and Lands which belong'd to those greater Monasteries, which were 264 in number.

The King's
Right an-
tecedent to
the Act of
Parlia-
ment.

But besides this it appears, That antecedently to the Act of Parliament the King was allow'd to have a Right to dispose of the Lands even of those lesser Houses; for as the greatest number of them were resign'd to the King before there was any Act of Parliament made for their suppression, as the aforementioned Learned Author tells us (b), so did the King exercise his Power of granting without any Authority of Parliament. Thus for Example, the Priory of *Christ-Church* near *Aldgate* in *London*, was granted to *Sir Thomas Audley* Lord Chancellor, at least three Years before the passing of that Act (c). For the same Reason it was, that the Statute of *Absentees* (*Anno 28 Hen. 8. c. 3.*) in *Ireland*, by which some great Men were depriv'd of their Estates, gave them to the King, his Heirs and Successors; they knew they were Grants of the Crown originally, therefore left them to the King, in whom they naturally and of course vested, as soon as the Subjects Inheritance was determin'd. Tho the Estates of those *Absentees* were very large, and that of the Earl of *Shrewsbury* alone (consisting of three intire Counties, all but one Mannor) would make a larger Territory than all the Lands which his Majesty granted away in *Ireland*; yet had they no thoughts then of seizing that Right which belong'd to the King. Our Constitution was in those days better temper'd, than to suffer any such Breach upon the Prerogative.

These Concessions of the States of the Kingdom, and the Power which our Kings have always us'd over the Revenues of the Crown, do, methinks, argue a Prerogative which could not be given, and therefore, whilst our Constitution stands, can't so reasonably be taken from him.

But the Reason of this will be more manifest, if we enquire into the Original Settlement and disposal of Estates.

In this Enquiry we shall discover, first, from what Writers tell us concerning the distribution of our Lands; Secondly, from the nature of Estates distributed, and the Conditions on which they were given; that the Lands were granted originally by our Kings, and that this is the Foundation of that Right and Property which all former Ages have allow'd them in those Lands.

The origi-
nal Settle-
ment of
Lands in
England.

As to the first; If we trace things as high as the first *Gothick* Settlements in this Kingdom (for how much soever a larger prospect into darker and remoter Times may make for us, we shall not reckon it needful to look farther) we shall find, from the general Consent of Writers, that all Estates in this Kingdom had their Foundation and Origin from the Grants of our Kings. And in *Ireland* 'tis certain, that all Estates since the Settlement of the *English* Government in that Kingdom, arose from the same Title.

All Grants
of Lands
originally
from the
King.

This is beyond all doubt our Constitution: If it concern'd us to enquire how it came to be so, it might perhaps not be improper to shew, that Lands were thus distributed by the *Gothick* Princes, wherever they made themselves Masters of the Countries they entred into. Such a Relation might help to demonstrate the Truth of the Account which is given us of their Settlement here; and the rather, if what some People tell us be true, that the several Nations sprung from the same Soil, and that their original Constitutions, as to the Tenures and Settlements of Land, and Fundamentals of Government, were the same. A great Man of our own (d) Country tells us, 'That there don't want traces of this from the very Institutions of *Odin*, who was the first great Leader of the *Asiatick Goths* or *Getæ* into *Europe*, and the Founder of that mighty Kingdom round the *Baltick* Sea, from whence all the *Gothick* Governments in these Northern parts of the World are deriv'd.

From this mighty Kingdom of *Scanzia* (for there it was that they first seated themselves) issued not only the *Visigoths*, who under divers Names at several times invaded our Land, were victorious in *Gaul*, and form'd a great Dominion in *Spain*; but the *Ostrogoths* likewise, who acquir'd great Territories, and made themselves Masters of *Italy* (e). These People (in the stile of another Learned Man) overrun many Countries, yea almost the whole *Roman* Empire, under divers Names of *Goths*, *Hunns*, *Vandals*, *Sueves*, *Lombards*, &c. and since that time have conquer'd

(b) *Hist. Reformat.* Part I. p. 237.

(c) *Ibid.* Pag. 190, 191.

(d) *Sir Will. Temple's Introduction*, p. 156.

(e) *Grotii Prolegom. in Histor. Goth. Vand. &c.*

other Countries, under other Names of Saxons, Danes, Normans, &c. (f). Of these People in general we are told, 'That their Princes or Leaders of their several Nations, became *Konings* or Kings of the Territories they had reduc'd. They reserv'd part of the Land to themselves for their Revenue, and granted the rest among their chief Commanders by great Divisions, and among their Soldiers by smaller Shares. The first who had the great Divisions were called *Earls* or *Barons*, those of the smaller were *Knights*, and the smallest of all *Freemen*, who possess'd some Portions of free Lands (g).

This was the general Method wherever those Northern Expeditions had success. When the Country was subdu'd, the Acquisitions belong'd to the Prince, and he always distributed and granted the Lands as he pleas'd. Gothick Acquisitions belong'd to the Prince.

Thus *Molinæus* tells us, that when the *Franks* had subdu'd the *Gauls*, and *Pharamond* settled himself in that Dominion in the Year of Christ 420 (which according to some Computations was but (h) eight Years before *Hengist* and *Horfa*, or the *Scandinavian* Race came into *Britain*) the conquer'd Lands were distributed in Fee among the People; and that which was requir'd of the infeoffed, was an Oath of Fidelity, and certain Military Services, in proportion to the Income of the FEE, and some Acknowledgments upon renewal of Investiture, and change of Tenant (i).

This is a remarkable and early Account of the Feudal Settlement: For the *Franks* were some of the first who in the Declension of the *Roman* Empire, rais'd Com-motions, and made excursions into its Territories. And 'tis the more worthy our Observation, since we are told (k) that these *FRANKS* were a People of *Scanzia*, which (as *Pliny* calls the North) was *Officina Gentium*, or (in the Phrase of some Learned Men among us) the great *Hive*, from whence those Swarms came which over-run a great part of *Europe*, and particularly acquir'd a Dominion several times over us. Of the Feudal Settlement.

That the Lands acquir'd by the several People who sprung from the Soil of *Scandinavia*, were dispos'd of by the Princes, and that the principal Officers and chief Captains became, by virtue of their Tenures, his hereditary and standing Council, the Author of the *Discourse on Resumptions* is pleas'd to tell us.

This Account of this first Settlement is what is every where deliver'd. *Bodin* tells us that the *Hunns* (a People of the same Race) who ravag'd with Fire and Sword through *Europe*, gave the *Lombards*, the *Almains*, and *Franks*, such a Custom of seizing the Dominion of all things, that no one possess'd a foot of Land, nisi eorum beneficio, but by grant from them (l). This is another Gothick and Feudal Constitution: for the Lands which were antiently seiz'd by those Conquerors, and when given away were called *Beneficia*, were the same with the *Feuda* or *Fees*, as they were called afterwards. The Nature of the Feudal Constitution.

To shew this a little more clearly, 'twill be convenient to deliver here what we are told of these *Lombards*; to wit, 'That they coming out of *Germany*, particularly that part of it called *Saxony*, and possessing *Italy*, brought with them out of their own Country both the Feuds and the Customs of the Feuds; and in that part of *Italy* where they fixed their Seats, and from them was called *Lombardy*, us'd them as formerly they did in their own Country: and that others approving, follow'd these Customs (m).

This Account of the *Lombards*, and their early Feudal Settlements, must go a great way towards inferring the same Settlement in the first *Saxon* Government (for since the *Norman* Conquest there is no doubt) among us; since we are told that they carry'd those Customs out of *Saxony*. Nor does *Grotius* weaken the Reason of this Inference, when he tells us that the *Lombards* sprung from the *Gepidæ*, who originally came from *Scanzia* (n); since the *Saxons*, as Learned Men tell us, were of the same Race and Soil with the *Scandinavians* (o). But

(f) Dr. Brady's compleat History, p. 94.

(g) Sir William Temple's Introduction, p. 65.

(h) Whereas the generality of Writers make the Saxons, Angles, and others, to have come hither in the Year 449. Mr. Selden (Jan. Angl. facies nova) following Camden, places it in the Year 428.

(i) Ad onus recognitionis juramenti fidelitatis & certorum onerum militarium, pro modo reddituum feudi, & ad onus renovationis investituræ, &c.

(k) Ibid.

(l) Ad dominatum rerum omnium occupandum sic assuefecerunt, ut nemo terræ glebam nisi eorum beneficio possideret. Bodin. de Repub. lib. 2. c. 2. p. 191.

(m) This Account is given by Herman. Vulteijs, de Feud. p. 11. where he quotes many others.

(n) Grot. Prolegom. in Hist. Goth. &c.

(o) Sheringham Discept. de origine Gentis Anglor. tells us, That from the antient Scandians were deriv'd the Jutes, Gules or Geres, who nested in part

But to carry this Proof a little farther. *Bodin* in the place above mention'd tells us, That the other Nations from the North, among whom he reckons our Saxons and Angles, when they had learn'd *Hunnorum mores ac dominandi illecebras*, the Customs of the Hunns, and the Pleasures of Dominion, rendring themselves Masters of all, took to themselves the most fertile Land, and gave the usufructus of the rest to the old Inhabitants, under the Assurance of their Fidelity (p).

The Britans ill treated by the Saxons.

The account that our Historians give us of the Severities of *Hengist* and *Horfa* against the Britans, to whose Assistance they were call'd in by *Vortigern*, makes a very dismal and tragical History.

The Britans being reduc'd to the most miserable Extremities, 'tis easy to imagine that their Enemies call'd themselves Masters of their Lands, and dispos'd of 'em after the manner *Bodin* mentions.

'Tis plain from the general Testimony of Writers, that 'twas so. Mr. *Bacon*, who was not too violent a Stickler for the Prerogative, tells us of those first People who came in hither, That when they swarm'd from their Hives in foreign Parts, they came in a warlike manner under one Conductor, whom they call'd a King (q). In another place he says that the Power of the Saxon Kings was double, one as a Captain, the other as a King: As Captain their Power was to lead the Army, punish

The Power of the Saxon Kings.

according to Demerits and according to Laws, and reward according to Discretion. And after their coming into Britain he says, the Lands were distributed by them (r). This the *Mirroure of Justices*, a Book of great Antiquity, and approv'd Authority, makes very clear to us in the Chapter concerning the Constitutions made by the antient Kings, where he tells us that in King *Alfred's* time one of the things assented to was, "That these things following should belong to the Kings, and to the Rights of the Crown: The sovereign Jurisdiction throughout the whole Land unto the middest of the Sea encompassing the whole Realm, as Franchises, Treasure found in the Land, Waife, Estiny, Goods of Felons and Fugitives which should remain out of any ones Rights, Counties, Honours, Hundreds, Wards, Goals, Forests, chief Cities, the chief parts of the Sea, the great Mannors; these Rights the first Kings held, and of the Residue of the Lands they did infeoffe the Earls, Barons, Knights, Serjeants, and others, to hold of the Kings by the Services provided, and ordain'd for the Defence of the Realm, according to the Articles of the antient Kings (s).

All Estates the Gift of the Kings of this Land.

Here we have an exact Account of the Original of Estates, and do learn that they are deriv'd from the Gift of the Kings of this Land. If it be ask'd whom did *Alfred* mean by the first Kings, we may be assur'd that he look'd as high as the entrance of the first Saxons into this Kingdom.

That they seiz'd and distributed Estates according to their Pleasure, as the Danish Conquerors here, and the Norman did afterwards, would be manifest, tho this Ordinance in King *Alfred's* time had not plainly told us so. *Hengist* and *Horfa* were of the Race of *Odin*; and the People who came under their Command, as they were of the same Scanzian or Gothick Stock with those Nations which form'd great Kingdoms and feudal Constitutions in Lombardy, France, and the other parts of Europe, so did they issue from the same Soil with those Danes, who above 400 Years after, and with the Normans, who near 200 Years after them brought their victorious Arms into this Country. As therefore the Norman Conqueror challeng'd the Property, and dispos'd of the Lands of this Kingdom (which is so evident that I shall not here trouble my Reader with the proof of it) and as the other Nations of the Scandinavian Race in the Age of our first Conquerors and afterwards laid the Pattern which the Norman follow'd, so we must reckon *Hengist* and *Horfa* did; and that they all copy'd after *Odin* their first Leader.

The Foundation of the King's Right and Property.

Secondly, The nature of Estates, and the Conditions of their Tenure do plainly shew, that they were given originally by the Kings; and that this is the Foundation of that unalterable Right and Property which former Ages have allow'd them in those Lands.

part of Germany, and were afterwards call'd Saxons. The Learned Bishop Usher, Antiquit. Eccles. Brit. says, p. 214, 115. That *Hengist* and *Horfa*, the first reputed Saxons, with their Forces came from the Danish Friezland, and others after them from Jutland. Here *Protony* and *Marcianus* place the Saxons, according to *Selden*, Mare claus. l. 2. c. 6.

(p) Se rerum omnium dominos ferentes, fertilissima quaque prædia sibi reservarunt, cætera fiducia nomine veteribus colonis fruenda reliquerunt.

(q) Historical Discourse of the Uniformity of the Government of England, pag. 202.

(r) Ibid. p. 50, 51.

(s) Mirroure of Justices, c. 1. §. 3.

This

This is manifest in our Tenures, and 'tis plain in all the Kingdoms where the Gothick Nations settl'd and introduc'd their feudal Constitution. The Prince is every where Lord of the Fee, and has the supreme and direct Dominion of it. The Subject has but the use, and but a shew of the Dominion (a). This is what the whole Croud of feudal Writers tell us. We don't say, says *Duarenus*, that the Dominion is transfer'd on the *Feudatory*; he has the Ground given him only to reap the Fruit of it (b).

The King has the supremum Dominium.

This is all that can be given in a Fee; for what the Learned *Molinæus* asserts, That the *direct Dominion cannot be alienated, abdicated or prescrib'd* (c), is the Doctrine of all the feudal Lawyers. This must always remain to the Donor, and hence it is that the Learned *Cujacius* distinguishes between the Fee, and the immoveable thing which is the subject Matter of the Fee (d).

The Fee unalienable.

This then being the nature of a Subject's Estate, since as our Countryman Mr. *Somner* tells us, the Land is only *partially, conditionally, not totally and absolutely granted* (e); since the *utile Dominium* (as Lawyers term it) is only transfer'd, and the Propriety abides still in the King; it is manifest what Estates Subjects have, and whence originally deriv'd.

The Services annex'd to them, and the Conditions under which they were first granted, and are still held in all Countries where the Gothick Governments have been settl'd, are a farther Proof of this. The Word *Feudum* or *Fee*, which is the name of all Estates given by the Princes of Gothick Race, in its known Signification denotes a conditional Estate, such as is held by Service and Fealty. So much we are taught even from the definition of the Word, as we find it deliver'd by Men learned in the Laws of the Feuds (f). They tell us that *Fee* has its name from Fealty (g): That this alone constitutes the Fee, and denotes the very Form and Substance of it (h): That the King can't abdicate Fidelity and the direct Dominion of the Estate (i): That this is so essential to the Fee, that no Covenant can be made against the Performance of it (k): That tho' Money be paid for the Land, yet this will be nevertheless due (l): That tho' the Oath be spar'd, yet this must go always with the Fee (m): That the failing in this Service is the Loss of Fee (n).

A feudal Estate held by Service and Fealty.

Essential Condition of the Fee is unalienable, viz. Service.

As *England* was several times overrun by the same Race of People which founded the Gothick Government in *Europe*, so are our Estates of the same nature and condition with theirs.

' No Man (says our learned Countryman Sir Thomas Smith) holdeth Land simply free in *England*, but he or she that holdeth the Crown of *England*. All free Land in *England* is holden in *Feodo*, which is as much as to say in *Fide*, or *Fiducia*, that is, in Trust and Confidence that he shall be true to the Lord of whom he holds it, and pay such Rent, do such Service, and observe such Conditions as were annex'd to the first Donation. Thus none but the Princes are *veri Domini*, but rather *fiduciarii Domini*, and *Possessores*.

All Lands in England held of the Crown.

' This, says he, is a more likely Interpretation than that of *Littleton*, who saith that *feodum est idem quod hereditas*, *Fee* is the same with *Inheritance*, which it doth

(a) *Ususfructus, & quasi dominium.* Arn. Corvin. de jure feud. p. 123.

(b) Non dicimus dominium transferri in beneficium, sed tantum datur ei fundus fruendus. *Duaren.* c. 2. §. 2.

(c) Cum directum illud Dominium in quo Rex Franciæ est fundatus in toto Regno, etiam in temporalitate Ecclesiarum, secund. Panormitan. in c. veniens. colum. 1. de accus. sit de juribus coronæ, sequitur quod non potest alienari, abdicari, nec præscribi. *Molin.* Tit. de fiefs. §. 51. nu. 99. p. 1170.

(d) Feudum non est res ipsa immobilis quæ in feudum datur: res est materia feudi: multum autem interest materiam feudi & feudum. *Cujac.* in d. c. 1. — *Vultei.* p. 20.

(e) *Treatise of Gavelkind*, p. 109.

(f) Feudum est ususfructus quidem rei immobilis sub conditione fidei. *Vultei.* de Feudis, l. 1. c. 2. §. 9. — Est jus prædio alieno utendi fruendi, quod pro beneficio Dominus ea lege dat, ut qui accipit sibi fidem & militiæ munus, aliudve servitium exhibeat. *Cujac.* in princ. coman. feud.

(g) Feudum a fidelitate dictum est. *Duaren.*

in consuetud. feudor. c. 2. §. 3. *Herman.* Vult. p. 108.

(h) Fides sola est quæ feudum inesse deducit. *Vultei.* p. 25. Feudi proprium, seu specifica differentia est fidelitas. *Molin.* Tom. 1. f. 1326. nu. 13.

(i) Fidelitatem & directum dominium Rex remittere & abdicare non potest, quia ista esset expropriatio, quæ non potest fieri a supremo Principe. *Bald.* in prælud. feudorum colum. 8. vertic. expedita. *Molin.* Tom. 1. p. 1170. nu. 99.

(k) Ut fides non præstetur conveniri nullo modo potest. *Duaren.* in consuetud. feudor. c. 2. §. 3.

(l) Debitur fides & obsequium etiam si pecunia intervenerit tanquam merces. *Duaren.* in consuetud. feudor. c. 2. Sect. 5.

(m) Licet non exprimatur (nempe fidelitas) tamen tacite in verbo præstationis semper intelligitur, & domini superioris personæ adhæret: quod opponitur, quod pactum feudi interponi potest, ut sine sacramento fidelitatis vassallus feudum habeat, de sacramento solo seu juramento intelligunt omnes. *Craig.* de jure feud. p. 47.

(n) *Hot.* de Feud. Disp. 38. Col. 886. D, E. &c.

' betoken in no Language. This happeneth many times to Men of great Parts and Learning, yet not skill'd in many Tongues, or mark not the deduction of words, which Time doth alter (o). Thus far that Learned Man.

Feuds at first given during Pleasure.

If by *Inheritance Littleton* means a perpetual Estate, such as will descend to the Heirs, whilst they continue and perform the Duties annex'd to it, his manner of speaking may be born as things stood in his Time, and do now in the feudal World. For since *Feuds*, which at first were given only during Pleasure (which shews that they were purely of the Gift of the Prince) afterwards for a Year, then for Life, then to the Feudatary and his Sons, have for some Ages been allow'd to pass in Inheritance (p); this Name, which in the younger days of the Feuds would have been a Solecism, and is still quarrel'd at by some nice Feudists, may pass among us.

But if he mean an absolute Estate, 'tis what the Word will not bear. *Feodum simplex*, *Fee simple*, he says, is as much as to say, lawful and pure Inheritance. And my Lord Coke's Comment on *Simplex* is, *That the Fee is descendible to his Heirs generally, that is, simply, without restraint to the Heirs of his Body, or the like* (q). The Feudists give us quite another Account of a *Fee Simple*. They tell us, that 'tis that *Fee for which when a Man swears Fealty, his Oath runs with a saving to that Fidelity which he owes to another*: That is, 'tis a Fee not holden immediately from the King, but from some other common Person. And 'tis call'd so to distinguish it from *Feodum Ligium*, *Liege Fee*, for which he that is infeoffed swears without any Exception or Saving in his Oath (r): That is, he holds it immediately from the King, and does fealty to him alone. So that in strict speaking, according to the Feudal Writers, to call an Estate held from the King *Feodum simplex*, or *Fee simple*, is as improper as to call an Estate which is in the hands of the King, a *Feodum* or *Fee*; and yet we find the first frequently done in our Books, and the latter in Acts of Parliament. But this must be allow'd when Men great and eminent in their Professions alter the signification of Terms.

Feodum is a Right derived from the supreme Lord.

The King cannot part with the direct Dominion of the Lands.

Now *Feodum* 'tis certain is a deriv'd Right, and founded in him who hath the supreme Dominion, in consideration whereof all Lands held by Subjects are burden'd with Services. This is as evident from the Fealty, Services and Tenures in use among us in the Times of our first Saxon Kings, as from the state of things since the entrance of the Normans. In the first distribution of Lands, Duties and Services were annexed to them, which have held to this day, and must continue for ever. In respect of them what the Feudists say is true: *Origo feudi semper inspicienda est usq; in infinitum* (s); the original Settlement of the Fee is for ever to be regarded. Tho the burdensom Services are taken away, yet the Lands still remain holden: the Lord or King himself cannot (as I have shewn) remit Fealty, nor part with the Property and direct Dominion of the Land. And so it is that my Lord Coke tells us, That all Lands and Tenements in *England* in the hands of Subjects are holden mediately or immediately of the King, and that we have not in the Law of *England* properly *Allodium*.

'Tis sure that where the Property of all Lands belongs to the King, and the Subjects owe Services for that *utile dominium* which they have, they can't be said to hold their Estates freely, as they say the Prince of *Hainault* does, from God and the Sun.

If what has been said proves the King's Right to grant Forfeitures and other Revenues of the Crown, it may give occasion to consider the Hardships which his Majesty's Grantees, Purchasers, and Improvers, do suffer in being depriv'd of Legal Titles.

The Hardships great by the Act of Resumption.

This Hardship may be thought the greater, since it appears that this is a Right belonging originally to the King himself, not deriv'd from any Gift of the People. Curious and nice Men, who look nearly into things, and are for preserving the old Land-mark, and keeping scrupulously within the exact Boundaries of our Constitu-

(o) Sir Thomas Smith's *Commonwealth* of England, lib. 3. c. 10.

(p) Vid. hæc omnia apud Craig de jure feud. pag. 20, 21, 22.

(q) Coke 1st Part, f. 1. A. B.

(r) Quid sit homo ligius quaritur, & quid feodum ligium, docet glossa in c. d. & Specul. in Tit.

de feudis. Estq; videlicet cum quis fidelitate alterius astringitur, nullius fidelitate excepta. Si quis enim jurat fidelitatem alicui excepto alio, feodum hoc simplex est, non ligium. Duaren. in Conf. feud. l. 4. Sect. 2.

(s) Duaren. in Consuetud. Feud. c. 13. Sect. 6.

tion, reckon this an Argument to prove the King's Right sacred and inviolable. This indeed must be allow'd in favour of their Sentiments, that it seems to be the Opinion of all former Ages. Many great Sages and Interpreters of our Law tell us, that there are some Prerogatives of the Crown, which cannot be taken away by any Law. There is no Prerogative that has so just a Claim to this Privilege as that of the King to reward the Services of his Subjects with Grants of Forfeitures to the Crown. This is a Power which he has over his own Estate; and an attempt to do that which destroys this Right, destroys Property, the greatest and I had almost said, in strict speaking, the only Property in this Land.

The Complaints which some Men, zealous for our Constitution, and the Antient Rights of the Crown, utter upon this Occasion, will, I know, seem unreasonable to those who distinguish between an Act that destroys a Prerogative absolutely, and that which in a single Instance seizeth the Rights of the Prerogative for the Use of the Publick. This Distinction, however material it be, yet will have but little weight with Men of one way of reasoning, those I mean who can be more easily reconcil'd to an Act, which, without touching any Man's present Right, should debar our Kings from making Grants for the future, than to one that should deprive People of Legal Rights by resuming the Prince's Grants. An Act of the latter kind would be manifestly inconvenient to those who were hurt by it: If the former should in future Ages happen to be so, by the King's wanting the necessary Materials for governing well, and rewarding the good Services of his Subjects, he would find some among the greatest Men of the Law, who reckon themselves oblig'd not to assent to any thing that may tend to the Prejudice of the King, or Disherison of his Crown, to help him out of the Inconvenience, by trumping up the Rights of his Prerogative, by telling him that the Act of one King cannot deprive his Successors of the antient Prerogatives of the Crown, and that the Concurrence of the other States of the Kingdom can't give sufficient Force to such an Act, because it can't be imagin'd how in reason they who hold their Estates only upon Condition from the King, should have a Power to take away that Right which belongs to him who founded those Estates. There would, I say, be found Men who would reason thus; and to back their Reason with Authority, they would tell him that other Kings, particularly his Ancestors the Kings of Scotland, notwithstanding Acts of Parliament to prohibit them, insisted upon their Right, and granted away the Revenues of the Crown.

This Act prejudicial to the King's Prerogative.

But allowing that this Act destroys not the Prerogative absolutely, because it looks not beyond the present, and perhaps may never be drawn into Example hereafter; yet does it not afford matter of Objection to those who know that it destroys his present Majesty's Right?

The common Answer is, That there is no room for this Objection, because the King consented to the Act, and *Volenti non fit Injuria*. 'Tis true, a Man can't justly complain of Hardship, when he himself has consented to it, when 'tis his own voluntary Act: But then it ought to be truly voluntary, it ought to be free, and under no Pressures of Necessity. It often happens that when two things are propos'd, one of them has the preference and determination of the Will, which yet is very inconvenient, and would not be chosen if the Will were free, and not constrain'd to chuse it to avoid the harsher part of the Dilemma. There was a time when the King was inclin'd to give up his Right, and gratify the Publick with a good part of those forfeited Estates, when in Parliament he declar'd his Intention to do so: But afterwards when his Majesty, discovering by the Fate of three Bills (two of which were lost in the Upper, and one in the Lower House) that it seem'd not expedient to the Parliament to divest the Crown of its Right, and dispose of those Estates for the Use of the Publick, granted them away; when he saw likewise they were gone farther than his Grantees, and were become the Properties of great Numbers of his Loyal Subjects, who in Purchases and Improvements laid out great Sums of Money upon them; 'tis not to be imagin'd that the Resumption could be very agreeable to his Inclinations. Besides the Consequence of the Act at home, he could not but see that 'twould create some Concern to his Friends, and not a little Rejoycing to his Enemies abroad.

How the King has consented to the Act.

But suppose what some say be true, that the Act can be no Hardship to the King because of his Consent, yet does it not bear too hard upon his Majesty's Grantees, Purchasers, and the vast number of Protestant Tenants and Improvers, since they were all legally seiz'd of their Lands and Tenements, and their Title was that by which all the Estates of these Kingdoms are held?

The Act a Hardship to his Majesty & the Grantees.

The Answer which some give, is a very ready and easy one: They say they were disseized by Act of Parliament, that what they do is our Act, because they are our Representatives; that since we have given up all our Right to them, we must without repining be concluded by what they do.

Parliamentary Power how great. 'Tis hard to say what Parliaments cannot do: The Boundaries of their Power not being fix'd, 'tis difficult to determine when 'tis carry'd beyond the utmost Extent of its Tether. But that there is a Tether to their Power is most certain; since, besides Divine Revelation, the Law of Nature or Reason tells us, that there are Rules and Measures of Right and Wrong, which no positive Law of Man can exceed. That they have reckon'd themselves ty'd to such Rules, is evident from their constant Practice, not only in making, but also in repealing Laws. Of the latter kind I shall only produce one Example.

In the 13th of *Edw. III.* the Lords and Commons press'd the King to pass a Law derogatory to his just Prerogative. That Parliament being ended, and the Kingdom representing it self again the same Year, it was enacted, 'Whereas in the last Parliament certain Articles expressly contrary to the Laws of *England*, and the Prerogatives and Royal Rights, were pretended to be granted by manner of a Statute, the King considering how that by the Bond of his Oath he was bound to the defence of such Laws and Prerogatives, because the King never truly consented to the said pretended Statute, only dissimuled to eschew the Dangers which by denying the same he feared to come, forasmuch as the said Parliament had otherwise been without dispatching any thing in discord dissolv'd, and so the earnest Business had likely been ruined; it seem'd good to the Earls, Barons, and other wise Men, that since that said Statute did not of the King's free Will proceed, the same should be void.

This shews that at that time the Parliament thought hard of Statutes which bore hard upon the King, and destroy'd his Prerogative; and therefore they comply'd with him, when, as he was bound by Oath, he sought for a Restitution of it against a forc'd Law.

That in making Laws they reckon themselves tied to Rules and Measures of equal Justice, is obvious to every Man's Observation. If a River be to be made Navigable, tho it be ever so convenient for the Publick, yet don't they by that high Power which they have, as the Representatives of the People, enact the doing it, till they receive the Petitions of the Aggriev'd, and consider the Damages they shall sustain by it.

None to be depriv'd of his Estate without a Trespass. If Mony be to be rais'd, they don't, in the greatest Difficulties, and the most urgent Necessities of the Commonwealth, seize the Estates of particular Men, how ever worthless they be, and of little Consideration to the Publick. Among us none ever is depriv'd of his Estate, unless it be for a Trespass against the Laws: If the Practice be any where otherwise, some will think the Constitution is intolerable, and that the Law of Nature is not sufficiently receiv'd in that Land, where 'tis not a receiv'd Maxim, That an innocent Person must not suffer.

This shews whether they argue right or no, who in an Inquiry concerning the Reason of seizing those Forfeited Estates, assign that of the Supreme Right which the States of the Kingdom have over every Man's Property.

Why these Forfeitures alone resum'd. 'Tis most certain that there was another Reason for it, such as concern'd those Forfeitures particularly; otherwise why should they alone be resum'd, and not other Lands also be vested in Trustees to defray the Charge of the War?

The Reasons are very common, and in every ones Mouth; and since they are such as set up a Title for the Publick against the King, and all who hold under him, I will represent them fairly, and leave it to my Reader to judg whether the Force of them be sufficient to destroy so great a Right as is the first Prerogative of the Crown.

The Title of the Publick to these Forfeitures examin'd. The principal Title which for the Publick is set up to those Forfeitures, is grounded on the Promise of the King; and the reasoning of those who defend the Resumption runs generally in these words: The King promis'd to dispose of these Forfeitures for the Use of the Publick: That Promise gave the People an Interest in them; after this Interest thus acquir'd, Grantees, Purchasers and Tenants were faulty in meddling with those Lands, and defrauding the Community; therefore the Resumption is but a reasonable and just Seizure of the Rights of the People. This is commonly said, and perhaps by a great many, with a farther Design than to destroy the King's Right to those Forfeited Estates. Before I represent his Majesty's Promise, as 'tis call'd, in his own words, and shew that it can't possibly be wrested to

to that Sense in which some People have taken a great deal of pains to have it understood, I shall desire my Reader to consider,

First, That they who insist upon a Promise of the King, never take notice of the Act of the Representatives of the People (which at least is as much a Promise as the King's was) who besides confirming the Lord *Rumney's* Grant, by giving him an Equivalent in a former Bill, left a third part of those Lands to the disposal of his Majesty.

The King's Promise about the Forfeitures, consider'd and vindicated.

Secondly, That this pretended Promise is of a Right and Interest which undoubtedly belongs to the Crown, and to which, by our Laws, none but the King could pretend the least shadow of Title.

Thirdly, That 'tis of a Right not given to the antient Kings by any Grant of the People, but inherent in the Crown, and acquired by the Kings, the first Founders of this Government, before they settled any Laws or Ordinances in the Land.

The Right of the Forfeitures inherent in the Crown.

Fourthly, That 'tis a liberal and gratuitous Promise, and such as implies no Stipulation or Contract; since 'twas made by the King *ex mero motu*, without any Address from the States of the Kingdom, without any valuable, or indeed the least Consideration for the things promised.

These Considerations I offer not as Arguments to dissolve the Obligation of such a Promise as is pretended; but perhaps they may be thought reasonable Inducements to People to put a favourable Construction on the King's Words, and not to strain the Sense of them too far.

If the King did promise that he would employ the Forfeitures to the Use of the War, I will allow that they ought to have been so employ'd. Nothing, I think, ought to be so sacred as the Publick Faith and Declaration of Princes. This the Emperor *Tiberius* himself understood very well, when he said, *Cæteris mortalibus in eo stant Consilia quod sibi conducere putant, Principum verò, &c.* 'Inferior Persons may order their Counsels as they best sute with their Advantage; but the Condition of Potentates is very different, whose Actions are principally to be directed by Fame and Glory (a).

Nothing more sacred than a King's Promise.

For this Reason it was that *Lanfranc* told *William* the Conqueror, 'That nothing was of so great moment to a Prince as Reputation, and none more than that of being a religious observer of his Word and Promise (b).

And Queen *Elizabeth* in a private Letter to King *James*, was used to admonish him, 'That a Prince must be such a lover of Truth, that more Credit may be given to his bare Word, than to another's Oath (c).

After having made these Concessions, 'twill concern me to shew, that his Majesty was guilty of no breach of Promise in making Grants of the *Irish* Forfeitures. That Promise which has made so great a noise, is part of a Speech which the King made to both Houses of Parliament, on the fifth day of *January* 1690. at the Adjournment of the Parliament. The words are these; 'And I do likewise think it proper to assure you, that I shall not make any Grant of the forfeited Lands in *England* or *Ireland*, till there be another Opportunity of settling that Matter in Parliament in such manner as shall be thought most expedient.

The Promise is part of the King's Speech.

If the King did not make any Grant, till there was another opportunity of settling that Matter in Parliament, he was not guilty of any Breach of Promise; but that he did not is plain. At the time when the King made this Speech, the Lords were possessed of the Bill that apply'd the *Irish* Forfeitures to bear the Charge of the War: 'Twas sent up some days before from the Commons.

The King hath acted nothing against his Promise.

When they met again after their Adjournment on the 31st day of *March*, the ingrossed Bill lay before them: Will any one say that they had not then an opportunity of settling the Matter? Could not they have passed the Bill if they would? Most certainly. But they did what they thought more expedient; they let the Bill die in their House, because (as 'tis to be presum'd) they would not intermeddle with the Rights and Prerogatives of the Crown. But this was not all the Opportunity the King gave them. The next Session another Bill was brought in to vest the forfeited Estates in *Ireland* in their Majesties, to be apply'd to the Uses of the War. This Bill, which allow'd a third part to be dispos'd of by the King, was lost in the Lords

(a) Tacit. Annal. lib. 4.

(b) Sir Will. Temple's Introduction, p. 237.

(c) Camden and Baker's Life of Q. Elizabeth.

Two Bills
lost in the
House of
Lords.

House, as the former was. The next Bill that was brought in fell in the House of Commons; so did several others in the Years following.

No Promise
contain'd in
the words,
violated by
the King.

After the *Claim of the Forfeitures* (as 'tis call'd) was thus disclaim'd by both Houses, by their giving up those three Bills, his Majesty taking this to be a tacit Submission to the Prerogative, began to grant away the Forfeitures. This Promise (as 'tis improperly enough call'd, since 'tis no more than a Declaration of his Intention) was not herein the least violated: For what did he promise, that he would not make *any Grant of the Forfeited Lands, till that Matter should be settled in Parliament*? These are not the words of his Promise: But suppose they had been so, I can't see how it can be said that he broke it. When any Matter is proposed to be settled in Parliament, there are two ways of doing it, either by passing the Bill or not passing it: If the Bill be pass'd, 'tis settled according to the Humour of one side; if it be not pass'd, but rejected or suffer'd to fall in the House, 'tis settled according to the desires of an opposite Interest: but in the latter Case the Matter is as properly said to be settled as the former. But the King's Promise, as I said, did not extend so far; he only said that he would not make *any Grant till there was another Opportunity of settling that Matter*. There is a mighty difference between settling a thing, and an opportunity of settling it: by Opportunity we mean no more than convenient Circumstances of Time and Place; and his Majesty by another Opportunity could mean no more than till they, after the Adjournment, met in that place again: then the Lords had an Opportunity of passing the Bill which lay ingrossed before them.

But this, say some, is not the Sense in which the Words were taken by the generality of People who had an Interest in the Promise; therefore they must be expounded according to their Sense to whom the Promise was made. 'Tis not indeed the Sense in which those pretended to understand them, whose Interest 'twas to have them understood otherwise: But why must the Sense of plain *English* be perverted to gratify their corrupt Interests? And what reason can there be for having the Words expounded according to the Sense of those who have an Interest in them, since they can't suffer by an equivocal or doubtful Sense; since here is no Contract in which they are over-reach'd, no manner of Interest to which they have any claim of Right, but the Promise that is made proceeds from the mere Grace of the King alone?

Difference
between a
Stipulation
and Pro-
mise.

There is a difference between a *Stipulation* and a *Promise*, and a very great one between one that promises, and him that only declares an Intention of doing a thing. 'Tis a Maxim in the Civil Law, *In obscuris interpretatio debet fieri contra stipulatorem potius quam promissorem*; In obscure Matters the Interpretation ought to be made against a Stipulator rather than a Promiser. And there is another Maxim, *Promissori solent jura favere ne nimium obligetur* (d): The Laws are wont to favour him that makes a Promise, and to take care that he be not bound too much. But in his Majesty's Case there is no need of such a favourable Interpretation, there is no obscurity in the words; they are so very plain, that one can hardly take him to be an *English-man*, who understands them in any other Sense than what I have deliver'd. If notwithstanding there will be some who will wrangle on, and deny the Sense of plain *English*, rather than quit the Interest they have in putting a forc'd and unnatural Sense on his Majesty's words, I shall endeavour to silence all their Cavils with the Resolution of Bishop Sanderson, one of the most eminent Casuists of our Nation. He distinguishes an *Obligation* where the Debt is founded on *Promise*, from that where the *Promise* is founded on an *antecedent Debt*. 'God himself, says he, who by Law is Debtor to no Man, yet by his gratuitous Promise makes himself Debtor to us: And he that by a Vow or Promise of his own accord ties himself to do any Act of Charity, does thereby contract a Debt. But because this Debt is not founded in any Right that he has to whom the Promise is made, but flows from the mere free and gratuitous Act of the Promiser, 'tis highly equitable that he be permitted to explain how much, after what manner, and in what sense he intended to oblige himself (e).

The King's
Title
clear'd.

After what I have said in this Discourse concerning the King's Title, no one, I believe, will be so hardy, as to say that the *King's Promise* (as 'tis call'd) was not

(d) Rittech. part. feud. cap. 17. q. 25. in fine libri. Vid. Magirum de advocatiâ, p. 583. nu. 16, 17.

(e) Sanderson de juramenti obligatione, Prælect. 6. Sect. 9. p. 120, 121.

purely gratuitous, or that 'twas founded in any Right which was antecedently in them to whom the Promise was made: The Consequence then must be, according to the Learned Bishop *Sanderson*, that he must be allow'd to interpret his own Promise.

His Majesty, by granting away the Forfeited Estates, after that both Lords and Commons in effect told him, that they would not meddle with the Rights of the Prerogative, has plainly told us, that he meant by those words what they truly signify, and not that *Foreign* Sense which some have put upon them. It follows then, notwithstanding that imaginary Right convey'd by the King's Promise, that his Majesty had a Right still to make Grants of those Forfeitures; and consequently that Grantees, Purchasers, Tenents and Improvers, had legal Titles, and were *bonæ fidei possessores*.

The Grantees had legal Titles.

Since then 'tis manifest that the King's Promise could make no Alteration in his Right, we are to consider what other Title is set up for the Publick.

The Author of the *Discourse on Resumptions* tells us, 'That the Peoples Right to the Forfeited Estates in Ireland is founded upon the Mony which has been levy'd in England, and expended upon that War. To give this Doctrine of his the more force, and to strengthen the Peoples Title, he tells us, That from the Time of Henry the Second 'twas so (f). That which it concerns me therefore to enquire is,

First, Whether the first Settlement of that Country favours this Right he sets up.

Secondly, Whether the Mony expended on the War gives us a Title to the Estates.

As to the first he tells us, 'That from the time of Henry II. Ireland has been made almost constantly to contribute something towards its Conquest or Reduction. In the very beginning, viz. Ann. 1170. part of its Lands were given to the Adventurers, Robert Fitz-Stephen and Maurice Fitz-Gerald, David Barry, Hervy de Monte Marisco, William Nott, Maurice de Prendregrast, Meyler, Richard Strongbow Earl of Chepstow, and others.

Lands in Ireland given to several since H.II. time.

This is a very extraordinary Account, and such as demonstrates that the Author did not give himself the trouble to examine the History of those first Acquisitions; if he had, he would not have mention'd that which makes clearly against him. The true Account is thus:

Dermot Mac Morogh Prince of Leinster, and one of the five old Kings of Ireland, being overcome by other Princes of that Kingdom, apply'd for Succour to King Henry the Second then in Aquitain. He not being at that time able to assist him, by Letters Patents granted Licence to any of his Subjects to give him their Assistance: He agreed in one place with Richard Strongbow Earl of Chepstow (one of these Adventurers mention'd by our Author) that the Earl should the next Spring assist him in the recovering of his Country, that Dermot should give him his Daughter in marriage with the Succession of his Kingdom. Robert Fitz-Stephen and Maurice Fitz-Gerald (the other Adventurers here mention'd by him, whom the others he names accompany'd in that Expedition) made a Contract with him, that on condition he would grant them the City of Wexford in fee with two Cantreds (or Hundreds) adjoining (which are the old English Baronies in the County of Wexford) they would assist him the next Spring.

The true Account of those Matters.

In short, Fitz-Stephen and Fitz-Gerald went over first to his Assistance, recover'd Wexford, and in a manner the rest of his Territories: And they had that City and Lands from him according to contract. After them Strongbow went over, and design'd the Conquest of the whole Kingdom, which Mac Morogh propos'd to him; he with the Assistance of the others, got quiet possession of Dublin, and settled Mac-Morogh in quiet possession of his Kingdom, which he marrying his Daughter had according to contract. These are the first Acquisitions in that Kingdom.

Our Author tells us, 'That if Henry the Second had conquer'd Ireland with only the Revenues of the Crown, without any Aid from his People, that Kingdom had been his own, *Pleno Jure*, as Civilians call it——But because the Kingdom was conquer'd at the general Expence of England, the Commonwealth here has always took it self to have an Interest to bind that Kingdom by Laws, &c. (g).

(f) Pag. 412.

(g) *Discourse on Resumptions*, p. 208, 209.

The Kingdom of *England* is mightily oblig'd to this Gentleman, and our Parliament has Reason to thank him for his large Concessions. They have other than what he gives; and even Mr. *Cary* of *Bristol* might have reminded him of a considerable one, for that Power which they claim over that Kingdom.

How K. H. II. made his Acquisitions in Ireland. But let us see how 'twas K. *Henry* the Second made his Acquisitions, and whether that will make for the Peoples Right against the King at this time. The King hearing what Progress the Earl of *Chepstow* made, began to have a hankering after his Acquisitions: *Strongbow* therefore sent *Reymund* one of his Followers with a Letter to the King then in *Aquitain*, in which he put him in mind that he had his Licence to assist *Dermot*, and tells him that as what he acquir'd proceeded from his Munificence, so it was all at his Command, and should return to him whenever he pleas'd. Afterwards 'twas agreed in *England* that he should deliver up to the King *Dublin*, with the Cantreds, Baronies, or Hundreds adjoining, and all the maritime Towns and Castles; and he and his Heirs should hold of the King all the rest that he had obtain'd. In like manner did King *Henry* force *Fitz-Stephen* to resign *Wexford*, and the Lands adjoining.

Strongbow's Letter to H. II.
Fitz-Stephen delivers Wexford to H. II.

This was the first Acquisition of King *Henry* in *Ireland*; 'twas a very easy one, and cost the People of *England* nothing.

After this Bargain made with *Strongbow*, the King himself set out for *Ireland*, and landed at *Waterford* the 18th of *October*, 1172. Whilst he was in that Kingdom, most of the Kings and mighty Men of *Ireland*, except the King of *Conaught*, who call'd himself King of all *Ireland*, came in, submitted, and swore Fealty to him.

Ireland submits to Henry II.

This was the Conquest made by this Prince, which will never favour the Author's Doctrine for destroying the King's Title, and the People of *England*'s having a better Right to the Lands now, because that Kingdom was then conquer'd at the general expence of *England*. The Territories which he obtain'd cost *England* no Mony, for they were taken from *Strongbow* and *Fitz-Stephen*, who had them from *Macmorrough*; nor was there any Blood spilt in that Conquest.

But 'twill be said that the King conquer'd, because the Princes of the Land submitted to him. 'Tis true, there may be a very full and absolute Conquest without fighting. Since then the Conquest which he obtain'd over those Princes, by bringing them to such Submissions, was owing to the Forces which he carry'd over, which were rais'd at the general Charge of *England*, 'twill be urg'd that this gave the People a Title to the Perquisites of the Conquest. Tho that really had been so, yet this does not follow. People may be at a vast Charge in raising Mony to carry on a War, and yet the Prince may dispose of the conquer'd Lands, if the Law and Constitution of the Country be so.

Hen. II. got Ireland by his own Forces paid by himself. But this was not King *Henry* the Second's Case; he made the Acquisition by his own Sword and Bow, and by Troops paid out of his own Purse.

Several Chronicles tell us, that tho he maintain'd great Wars, yet he never demanded Subsidy of his Subjects (b). If there had any extraordinary Tax been rais'd upon this Kingdom for the Charge of his *Irish* Expedition, some of our Histories would have told us of it.

The large Dominions of Hen. II.

'Twill be ask'd then, how was it carry'd on? The Question will be easily satisfy'd. First, 'tis to be consider'd that his Dominions were larger than those of any of the former Kings of *England*: for he had *England* and *Normandy* by descent from his Mother *Maud* the Empress, *Anjoy* and *Main* from his Father *Geffery Plantagenet*, and *Aquitain* by his Wife *Elenor*. His Treasure likewise was very great; for after his Death 'twas found to be nine hundred thousand Pounds, besides Jewels and Plate.

His Treasure at his Death 900000 l.

This was a prodigious Sum in those days. The Charge of his *Irish* Expedition could not be great: The Design of it seems to have been no more than to secure and settle the Territories surrender'd by *Strongbow*, and to frighten the little Princes of that Country into Submission; for he advanc'd no farther than the Adventurers had done before, and had no Action during his stay there. For this Undertaking, or if indeed he had design to subdue the Kingdom, a small Body of Men would have serv'd. *Robert Fitz-Stephen*, who landed first in the Country, had but 390 Men, which, with the Assistance he was to find with *Macmorrough*, were to sustain all the

Strongb. carry'd into Ireland but 1200 Men.

Force of the Enemy. And *Strongbow*, who design'd the Conquest of the whole Kingdom, carry'd over only 1200 Men. King *Henry* therefore could not think a great

(b) Speed, Baker, Heywood's Hen. 4. 1st Part, p. 56.

number of Men necessary for what he design'd to execute. Five hundred Knights or Men at Arms, and some ordinary Horsemen and Archers were the whole of his Army. But must not the Charge of this Army, such as it was, be necessarily defray'd by his *English* Subjects? No: if he had not been Master of that great Treasure I mention'd, there was another ready way to do it. Those who held of him by Knights Service, were by their Tenures oblig'd to follow him into his foreign Wars; and of those who hold in Escuage particularly, the Service is commonly called *Servitium forinsecum* (i). This *Littleton* tells us: *They who hold by Escuage, says he, ought to do their Service out of the Realm* (k). Of those who held Lands of him by Knights Service were the 500 Knights who accompany'd him into *Ireland*.^{H. II. carry'd into Ireland only 500 Knights.} What therefore he obtain'd by means of them, was (to speak in the Phrase of our Author) *an Acquisition made by his own Sword and Bow, and by Troops paid out of his own Purse*. Had it been done by the Rents receiv'd out of the Lands, it must necessarily be allow'd to have been so: But these Tenures were the very same thing, for they were reserv'd instead of Rent: And *Littleton* and my Lord *Coke* both tell us, That Escuage after a Voyage Royal may be assessed and made certain (l). This Service was so considerable in the time of King *Henry* the Second, that we are told one Scutage in the fifth year of his Reign, to raise Men for the Siege of *Tholose*, came to one hundred and eighty thousand Pounds.^{Tenure of Escuage what it is.}

From what I have said it appears that the first Acquisitions made not at all against the King, and are no Argument for a Right in the People now to dispose of Estates there, since the first Acquisitions were not made by their Treasure, as this Author pretends. I come now to consider,

Secondly, Whether the Mony we have expended gives us a Title to those Lands. Q. Whether the Mony expended gives a Title to the Lands in Ireland. The Author does not say, that whenever we expend Mony in War, we ought to be reimburs'd again. No, he allows, that where the Honour of the Prince, and the Honour or Interest of the Nation are concern'd against a foreign Enemy, most certainly we are to give necessary Aids and Subsidies, without prospect of reaping any other Fruit from our Expences than Fame and Safety; but when *England* has to do with its own Subjects, he thinks they ought to be brought to pay a part of the Reckoning (m). This perhaps may be reasonable, and the Protestants of *Ireland* say they have paid a very large Part, and yet own Obligations to *England* for their Succour. I have heard some of 'em offer to demonstrate, whenever we will come to account, that the Troubles of *Ireland* cost them forty times as much as they have cost us, in proportion to our Numbers and Estates. This is paying part of the Reckoning with a witness: but if more ought still to be paid, why should it not be levy'd on the Kingdom in general? Why should the Protestants, who had Grants from his Majesty in consideration of their Losses, as well as Services in that Kingdom? Why should *English* Purchasers and Improvers pay the whole? Why should the *Irish* be favour'd, who were the Cause of that great Expence?^{The Troubles of Ireland more chargeable to the Irish Protestants than to England.}

But my Author says, that 'the People of *England* are to be look'd upon as Adventurers, the Mony levy'd and expended is their Adventure, and the forfeited Estates ought to be the Return. 'Tis a very fair Return, when People have that which they adventur'd for. The *French* were Adventurers in that Kingdom, but have no Lands for their Adventure; yet don't they think their Mony thrown away, since they gave so great a Diversion to our Troops there. We have all we aim'd at in that Expedition.

First, We undertook it to render our selves secure at home, which we knew could not be, if the *Irish* had the Lands, and the *French* the Ports of the Kingdom.^{The Design of reducing Ireland.}

Secondly, Our design was not only to subdue the Rebels in *Ireland*, but to oppose the Force of our Enemy the *French* King, with whom we had a great War on the Continent.

Thirdly, 'Twas to preserve our antient Glory, which we had shamefully abandon'd, had we given up that Kingdom to our Enemies.

Fourthly, 'Twas to succour our Protestant Brethren there, who had brought themselves under great Difficulties by adhering to our Interest. All that we adventur'd for was Security and Glory: These we acquir'd by that Expedition; but if we^{The Protestants in Ireland secured.}

(i) Bacon's *Uniformity of the English Government*, pag. 298.

(k) *Littleton's Tenures*, lib. 2. Sect. 155.

(l) *Coke 1st Part*, fol. 72. A. B.

(m) *Discourse on Resumptions*, pag. 411, 412.

The great
Smyrna
Fleet pre-
served in
Ireland.

offer to take more than these just Returns of our Adventure, we run a great hazard of lessening both. Nor is this all the Return we have had: The great *Smyrna Fleet* (to say no more) which plainly escap'd the Enemy by getting into Harbour in that Kingdom, did much more than reimburse us all the Treasure that we sent thither to defray the Charge of that War. These and all other Advantages, which in future Ages we shall reap by the Reduction of that Kingdom (which in all probability are no less than the preservation of our own) are to be accounted the Returns of that Adventure.

The Forfeitures can be no part of the Acquisition, they belong'd to the King, and, in strict speaking, were his before we were at any expence in the War. 'Twas purely the Rebellion of his Subjects, which was prior to our Expedition to reduce them, that gave the King a Title to those Estates; and a bare Attainder and Conviction, which is no more than an Evidence of their Trespass, was enough to vest the Lands in his Majesty.

But still 'tis urg'd, that 'tis reasonable that, our Charges consider'd, those Lands should go towards easing us in our Taxes. When we argue about what may be accounted reasonable or unreasonable in this Case, we are to consider those Estates in two different Circumstances of time: First, whilst they were in his Majesty's Hands. Secondly, after they were granted away by him.

Whilst they were in his Majesty's Hands, I will allow it might be reasonable enough to desire a part of them to defray the Charge of the War, when the Value of them was reckon'd to be so considerable as they were then represented. In this Case neither the Prerogative nor any of the King's Subjects had suffer'd by it.

Grants
made with
the Allow-
ance of the
States.

After that his Majesty, not without the Allowance of the States of the Kingdom, had granted them away, the Case is alter'd, they were made the Property of others: and 'tis humbly offer'd to be consider'd, whether this may not be too great a hardship on the King, on those who had Grants from his Majesty, and on Purchasers, Tenents, and Improvers.

The King's
undoubted
Plea for
those For-
feitures.

First, As to his Majesty, it must be own'd that he had an undoubted Title. Had *Domitian* the Roman Emperor been King of *England*, had he during the great War we were engag'd in, not concerned himself with the Toils and Dangers of the War, and minded nothing but his little Diversion of killing Flies, yet would he by our Constitution, have a Right to dispose of the Forfeitures, and his Grants would be good. His Majesty has fought our Battels in *Ireland* and *Flanders*, he has preserved our Religion and Liberties, he did restore the Ballance of *Europe*, he has retrieved our Glory and Reputation abroad, and has done more for us than all our Gratitude, all our Respect can repay. This methinks should strengthen a Plea for a Right which was never yet denied to any *English* King.

The Hard-
ship on the
Grantees.

Secondly, 'Tis to be consider'd, whether it be not too great a Hardship which is put upon his Majesty's Grantees? Their Patents gave them as good Titles to those Lands as any have to their Estates. Their Titles, which are legal and good in themselves, they have strengthen'd by their Services. There are but very few of them who have not accompany'd his Majesty in his Dangers, who have not had a hand in the Reduction of that Kingdom. In former Resumptions (which were always just what the King was pleased to make them) regard was always had to those whose Services were pleaded; here the King's nearest Friends, the *General*, and other Leaders of his Host, and many Persons of great Merit suffer in the common Calamity, pass unregarded in the general Resumption.

The reason-
ableness of
the King's
rewarding
good Ser-
vices.

Many say 'tis reasonable it should be so, since amongst those who reap'd his Majesty's Favours, there were a considerable number of Foreigners. This brings into my mind a Saying of that good old Man the Lord Chancellor *Ellesmere* in his Speech touching the *Post-nati* in the time of King *James I.* 'There can be no Man so simple, says he, childish or (if they have but common Sense) as to think his Majesty should have come hither amongst us, and have left behind him in *Scotland*, and cast off all his old and worthy Servants (n). 'Twas inconsistent with his and our Safety, that his present Majesty in his glorious Expedition to deliver us, should come into our Kingdom without a great Train of Friends and faithful Servants. If at their first Arrival we receiv'd them with joyful Acclamations, and his Majesty experienc'd their Fidelity and good Services afterwards, 'tis hard to envy them

(n) Lord Chancel. *Ellesmere touching the Post-nati in Scotland*, p. 119.

the Demonstrations they have had of his Kindness and Favour. 'Tis but reasonable that a Prince, who has made so great a Figure in the World, and has done such mighty things for us, should leave considerable Monuments of his Reign in great and noble Families. He has indeed confer'd Honours, but they can't shine with any great Lustre, when the Estates given to support them are taken away. They who rejoice at the Act upon the account of what Foreigners suffer by it, are very far from considering the true Honour and Interest of this Nation. *Xenophon* told the *Athenians*, That 'twas not by force of Arms, but their good Offices to the *Greeks*, that they were plac'd at the Head of the Naval Confederacy (o). We shall always want Friends and Confederates abroad; but the way to secure the strongest Interest in them, is not to express our hatred to them, and treat them unkindly.

The Honour of the Nation ought to be considered.

Thirdly, 'Tis to be consider'd whether it be not too severe on Purchasers and Improvers. The former indeed have a third part of their Money allow'd them; and probably the whole had been given, if some People out of an extravagant Zeal for the Publick, had not taken some pains to make the Parliament believe they were not only guilty of great Frauds in purchasing, but had receiv'd their Purchase Money in the mighty Profit of their Bargains. 'Tis to such an Insinuation as this we are to ascribe that Passage in the Act, in the place where this third part is settl'd, which declares, That no such Allowance shall be made to any such Purchasers who by Perception of Profits have been satisfy'd their said Purchase Money. The Purchase must be very easy, if the Rents of one Year, or a Year and half at the farthest, would reimburse the Purchasers. The Insinuation was a very convenient way to incense the Parliament against them, and to prevent their shewing that Mercy which they otherwise probably would have done.

Prejudice done to the Purchasers and Improvers.

The Tenants and Improvers are many thousands in number, and some of them have laid out great Sums, not only in the Country, but in several places in the Cities, in building new Houses on waste pieces of Ground, and repairing old ones. These Sufferers are in a manner all *English* Protestants, such as in the Troubles of that Country have hazarded their Lives to subdue the Rebels, and keep that Kingdom in Obedience and Subjection to the Crown of *England*. And that which aggravates the Hardship of this Calamity is, that for the most part they are the very People who were spoil'd of their Goods, had their Cattel driven away, and their Houses burnt during the Tyranny of their *Irish* Lords. These People, destitute of Habitation, were they who had the hard fate, after their Sufferings under the lawless Domination of the Rebels, to be encourag'd by his Majesty's Order whilst the Lands were in his hands, and afterwards by his Grantees. The Labours of their younger Age the merciless Enemy devour'd; and what they toil'd, what they built and improv'd for their ease and comfort in the last and heaviest Scene of their Life, is taken away by the Resumption.

Tenants & Improvers very numerous in Ireland.

Having enter'd upon this melancholy Subject, I can't but take notice of the deplorable Condition of the poor *French* Protestants at *Port Arlington*, which is part of the Lord *Galway's* Grant: Those poor People by the Incouragement they had had from the Compassion and Goodness of that Lord, built about one hundred and thirty neat Tenements in that place, which must now become the Habitations of *Irish* Papists, since they are the People, who (whatever they pay) will promise the greatest Rent to the new Purchaser. If neither the Services of that noble Person in *Piedmont* and *Ireland*, nor his Piety towards his distress'd Countrymen, nor the Greatness of his Title, and the Smallness of the Fortune which he has to support it, will seem Motives sufficient to restore him to his Estate, which he is depriv'd of by the Resumption; it must seem a very extraordinary Hardship to People who have any Bowels of Compassion, to see such a Number of miserable People, who were a long time afflicted with severe Persecution in their own Country, find such Treatment in a Country to which they fled for Refuge.

The deplorable Condition of the Fr. Protestants in Port Arl.

Lord Galway's great Merit slighted.

But some will imagine the Purchasers will not disturb the Tenants. This is a wild Notion; those who purchase Lands with the Improvements, must make the most of them: and how should it be imagin'd that private Men should be so tender-hearted, if the Parliament will not think their Case deserves Compassion? The Case of all these Purchasers and Improvers must to any considering Man seem very hard. 'Tis hard that they who suffer'd so much for the *English* Interest, should after they betook

them.

(o) In his Discourse concerning improving the Revenue of Athens.
Vol. II.

E. Rumney
and Lord
Athlone's
Grants
made be-
fore any
Address of
the House
of Com.

Objections
answer'd.

The Pur-
chasers ac-
ted accord-
ing to Law.

Objection.

Answer.

The Reaso-
nableness of
the King's
rewarding
those that
deserv'd
well.

themselves to Husbandry, to which they were invited by several Proclamations, and without which a greater Famine than was must have fallen upon that Land, after they had settled themselves by their Labour and Industry in the toil of several Years, should be thus thrown out of their Settlements. And the Case of those who purchased and improved under the Lord Rumney and Athlone, as well as of their Lordships themselves, may seem harder than ordinary, since the Grant of the first was before any Bill brought into the House of Commons; and in the Bill brought in on the 12th of February 1691. there was a Clause for his Majesty to grant to him Lands of the same Value with his former Grant: And the other Noble Lord had an Address from the House of Commons, and Thanks for his good Services. Of all these People it must be said, that they laid out their Money and improv'd upon good Titles; and it must be own'd that none were ever before depriv'd of their Properties by an *English* Act of Parliament.

Some I know will object the seizure of the Abby Lands in the Reign of Henry the Eighth: but 'tis to be remembred that they were generally resign'd to the King; and 'tis very well known that the Tenants were every where allow'd to continue in possession of their Leases.

But on the other side, it is said of the Improver as well as Purchaser, that he was *Felo de se*, and brought the Calamity on himself; that he knew what Claim the Commons made to those Lands, and therefore ought for his own Security to have remembred the old Maxim, *Caveat emptor*.

They who apply that Maxim in this Case, do, I think, stretch it a little too far. When the Purchaser is required to act with Caution, that Caution can only respect the Laws that are in being. The most cautelous Man in the World can't with all his Circumspection provide against a Law that may be made afterwards. If it be drawn once into practice to deprive Men of their Properties by Laws *ex post facto*, the Maxim *Caveat emptor* must be out of doors. When *Magna Charta* says, *Nemo amittat feudum suum, nisi per judicium parium aut leges terræ*; Let no Man lose his Freehold, but by the Judgment of his Peers, or the Laws of the Land: it means the settled common Law of England, not Statutes made to punish after-Crimes. These are the Laws that we are to have a regard to, and no one need in a well-order'd Government (and indeed cannot) extend his Caution beyond them. 'The Law, says my Lord Coke, 'is the surest Sanctuary that a Man can take, and the strongest Fortreis 'to protect the weakest of all. *Lex est tutissima cassis, & sub clypeo legis nemo decipitur* (a). In the Laws abroad 'tis a Maxim, *Quod lege non cavetur, in praxi non habetur* (b); We Use no Caution but what the Law prescribes. In 36 Hen. 6. fol. 25. Fortescue reasons thus: *The Law is as I have said, and so hath been always since the Law began*. Could not a Grantee, a Purchaser and Tenant say the same concerning their Titles? If they could, what need was there for their using any further Caution?

In 37 Hen. 6. f. 22. *Ascue* reasons thus: *Such a Charter hath been allowable in the time of our Predecessors, who were as sage and learned as we*. If his Majesty's Charters of Grants were allow'd in those Times, why should we be wiser than they were? In short, he is a wise and cautious Man enough, who is as wise and cautious as our Laws require him to be: He that is not sure of that Inheritance which he has in them, cannot be said to live in a free State, or under the Government of Laws. This shews us that notwithstanding the Maxim *caveat Emptor*, Purchasers and Improvers have reason to complain of Hardship.

But further 'tis said, that 'tis unreasonable that such a vast Sum of Money should be intercepted from the Publick, and that we should waste our Blood and Treasure only to enrich a few private Persons.

'Twill hardly be said that 'twas unreasonable for his Majesty to make any Grants, since the Parliament has confirm'd his Mercy and Favour to several outlaw'd Persons; nor will it be denied but that 'twas reasonable he should reward the Services of some others, and dispose of something among People whom he thought deserving, since the Parliament themselves in the height of War, when we had greatest Occasions for Money, by a most generous Act gave one hundred thousand Pounds to Duke Schomberg. That which is generally excepted against in his Majesty's Grants is the vast Sum that is given, of which we shall find the Commissioners Estimate to be very extravagant.

(a) Coke 2d Part, fol. 56.

(b) Majerus de Advocatâ, f. 229. §. 386.

In a little Discourse publish'd the last Session by an anonymous Author, intituled, *The Case of the Forfeitures in Ireland fairly stated* (out of which, and a short Letter given about by some unknown Hand, I must own I have taken several Hints) I find the Author says, 'Had the Forfeitures in Ireland been sold for the Use of the Publick in the Year 1690. or some Years after, 'tis certain they would not have rais'd near two hundred thousand Pounds. *From which he rightly infers,* The King has not given to all his Friends, all that served and suffered in that Kingdom, twice as much as what the Parliament gave Duke Schomberg. If this be so, there can be less reason for our complaining of what his Majesty has given away, the Computation could not but seem very odd at that time when we had such large Accounts of those Forfeitures; and yet I find by Inquiry, and a stricter Calculation now, that he might have made his Computation a great deal lower, and brought the Forfeitures very near to the Sum given by Parliament to this great General.

The Sale of the Forfeitures would not have yielded 200000 l. An. 1690.

In order to represent this Matter clearly, I will endeavour to make a probable Estimate of the Forfeitures. This is what the Trustees in their late Report tell the Parliament they were not able to do. 'They have taken Methods by which they humbly conceive, they shall come to the knowledg of the Value of the Lands; but by reason of the great Rains that have fallen this Winter, the Survey has been much delayed, and the Districts of the Receivers are so large, and their Instructions so particular, that they cannot as yet expect from them such an Account as they may rely on, and consequently fit to be laid before the House. This I believe: The Account is very short of the Return of the Commissioners; therefore for the very same Reason that they thought it fit the last Year to lay a large Account before them, they think it fit this Year not to deliver in any Account at all. *The Claims upon the Estates, they say, are so many, that they cannot make any probable Estimate what will be the real Produce.* In the Report the last Year, they return'd the Lands worth considerably above two Millions of Mony; and said that the forfeited Houses, Tithes, Debts due to forfeiting Persons, Fairs and Markets, Ferries and Fisheries, chief Rents, Mills, good Lands call'd *unprofitable*, Denominations of Lands to which they could annex no number of Acres (which by the by are Lands of their own making) Woods, &c. would a great deal more than answer all Incumbrances and profitable Leases; and so the Lands would produce considerably more than what they return'd.

A probable Estimate of the Forfeitures.

The Estimate the first Year valued at 2 Millions.

These Particulars, which they returned to answer the Incumbrances on the Estates, will, I fear, go but a very little way towards it. The Woods which seem'd to be the most likely Branch, and were return'd worth sixty thousand Pounds, they have in this Report in a manner given up; for they talk of *considerable Wasts*, most of which they say have been made by *ordinary People, not able to answer the Expence of Witnesses*. This the Publick must take for a satisfactory Reason why they can't make Mony of those Woods; the Reasons that hereafter will be given for the Deficiency of other Branches will not be much better. If the Debts by Judgment and Statute, and the Mortgages due to forfeiting Persons, which (according to their Report) amount to 120013 l. 13 s. 10 d. should happen to be Debts that are already discharged, or to be due from Persons, as poor as those who destroy'd the Woods (as I fear they will) if the great Rains which the last Winter much delay'd the Surveys, have destroy'd the sixty one Mills formerly mention'd; if the twenty eight Fairs and Markets should happen to sell for little or nothing, and the six Ferries and Fisheries should come to no better a Market, they will be mightily disappointed in those Perquisites, which they deliver'd in their former Report by way of discount, to discharge the Incumbrances on the forfeited Estates, which they found in the Exchequer to be 161936 l. 15 s. 6 d.

The Woods the likeliest Branch, valued at 60000 l.

In their late Report they say, that the *Claims* upon the Forfeited Estates are so many, that they cannot make any probable Estimate what will be the neat Produce. Tho they cannot pretend to tell exactly what the Produce will be, yet they might have told what they had set the Lands for: They were aware this might be some Prejudice to them; therefore as to that their Return is, that they humbly conceive (which was the Stile of the former Report) they ought to make no Estimate of the Valuation of the Lands from the present Rent. The Reason they give for this is, because they found it difficult to prevail with the Tenants, who had taken Leases from the Grantees, to advance their Rent; most of them being Protestants, and having made Improvements upon their Land, deserv'd all the Compassion they could justify: and further they were afraid, that if they used Extremities, they should drive them off the Lands, and give ill Impressions to the rest of the Tenants.

Trustees late Report makes the Produce uncertain.

Means us'd
to know the
true Value
of the
Land.

Notwithstanding these Reasons, it must be allow'd, that no People ever had such an Opportunity of learning the true Value of Land as they had. They immediately after they went over (as they represent in their Report) 'gave notice in print to all Tenants and Occupiers of any of the Forfeited Estates, to deliver in true Particulars of the Quantities, Qualities, and real Value thereof (pursuant to the Act) and requir'd the Sheriffs of that Kingdom to publish the same throughout the several Counties. Accordingly the Value of the Lands was by the Tenants and Occupiers deliver'd in upon Oath, and according to that Oath they were set by the Trustees. If it happen'd that the Under-tenant, when he was under that severe Scrutiny, return'd the Value of the Land six Pence more in the Acre than he paid, that was the Rent they charged it at; and that Rent (tho 'twas more than they would have given when they took the Land) they made them pay from November was twelvemonth, which was before the Bill passed. This the Tenant was forc'd to do, because he must otherwise have wanted a Habitation for himself, or Pasture for his Cattel. In some places the Rent impos'd was so severe, that they were forc'd to quit the Land.

If this Method was not sufficient to bring them in a true Account of the just Value of the Lands, methinks they could not fail of being fully inform'd by the Commissioners they sent into the several Counties to set the Lands, and enquire into the true Value of them. If there were some few of the Tenants who neglected to obey the Act (which could not be, I'm sure, for want of that Fear and Terror which is apt to make People observant of Laws) and return the Value of the Lands upon Oath, the Commissioners, when they went into the Country, might easily make up that Defect.

The Ex-
pence of the
Commission
amounted to
40000 l.

In their Report they say that the Expence of the Commission has been about 40000 l. Sterling, that is (as Exchange now goes) about 50000 l. Irish Mony, which is just double the Charge of the whole Civil List of that Kingdom. 'Tis much that after expending so much Mony, they should not be able to learn the Value of the Lands.

The proba-
ble Estim-
at is about
60000 l.
per Ann.

In order to make a probable Estimate of them, I will suppose them to be worth 60000 l. per Ann. This I believe will be found to be considerably more than they are set for at present, tho they have been set after the manner here deliver'd. If we value them at thirteen years Purchase (which is a great deal more than Lands have been continually sold for in that Kingdom, and considerably more than those Estates will yield two or three Years hence) then the full Value of them, consider'd as Fee-Simple, and free from all Incumbrance, will be 780000 l.

The Lands of forfeiting Persons (over and above the Estates restor'd by the King's Favour, and the Articles of *Limerick*, &c.) by the Commissio-
ners were valu'd at

The real
Value of
the whole
about
780000 l.

Add to this the private Estate, by them valued at 1699343 14
The Value of the whole according to them at 13 years Purchase, will be 337943 09
The real Value of the whole being 2037287 03
It appears that in the first Value of the Lands they are mistaken 780000 00
1257287 03

It must be noted that out of this Error here set down, we are to except what was given away by several Clauses in the Act of Resumption, which makes but a very insignificant part of the great Sum they were mistaken in.

Deductions
to be made
from that
Sum.

Out of the total Value of the Estates return'd as Fee-Simple, which I set down at 780000 l. we are to deduct,

First, All Debts and Incumbrances on those Lands. The Commissioners represented in their Report, that all the Statutes, Judgments, Mortgages, or other Debts which appeared to them to affect the said Estates restor'd, amount to 161936 l.

Incumbran-
ces.

These are only those which were found by Inquisition, and allow'd by Order of the *Exchequer*. Besides these they will find (and have already found) a great many more: And they themselves may remember very well that there were other good Incumbrances shew'd to them, which they thought not proper to mention in their Report, tho they insinuate that they return'd all.

Tenants for
Life.

Secondly, All those Lands which will return to the next Heir after the death of the present Tenant for Life, the forfeiting Person. Of this sort there are many great Estates: Such is the great Estate, or rather Territory (as the Commissioners call it in their Report) of the Lord *Boplin*; the Estate of Col. *Bagnet*, an old infirm Man, which they have valued at above 5000 l. per ann. the Estate of Sir *Valentine*

lentine Brown, which is much more valuable than that of *Col. Bagnet*; the Estate of *Col. Baggot*, and several others.

Thirdly, We are to deduct the Quit-rents, which the Trustees in their late Report have return'd at about 5000 *l. per ann.* *The Quit-rents.*

Fourthly, We are to deduct the Value of all the beneficial Leases, and whatsoever has or will be gain'd by the 3092 Claims, about 800 of which have been already heard, and of those but one eighth part rejected.

These will cut off more than a third part of the real Value of the Fee-Simple, which I have set down.

I don't here take notice of such small Sums as the 10000 *l.* due to the *Lady Bel-lasis*, the 21000 *l.* allow'd the Purchasers, and the other two thirds, which will without all doubt be thought as reasonable to be allow'd as that third part.

Among the Deductions I may reckon three years Profits of all the Lands, which will be swallow'd in the Expences of the Trust. *3 Years Profits of all the Lands go to these Expences.*

Besides these there will be other Deductions. Some Estates have already been recover'd from the Trust, more will follow before the Books are shut up, as we may very well imagin from the Inclinations observ'd in some Men to favour the *Irish* Claimants. *Irish*

But I will abstract from all Deductions of this kind, and allow (which will be found to be a large Reckoning) that the forfeited Lands in *Ireland* will yield 500000 *l.* in that Kingdom. This, if it were at this time to be paid into the *Exchequer* here, would be but 400000 *l.* Let us now compute what those Lands would have yielded us in the Year 1690, or two Years after. I can't forbear mentioning those Years, because till then they were undispos'd of, till then the Parliament might have desir'd them of the King for the Use of the Publick: Afterwards his Majesty made them the Property of others, and 'twas by the turn of Time, and the Labour and Improvements of poor Tenants, that they grew up to that Value which they now bear. In those Years an Acre of Land generally, in those Countries where the great Forfeitures were (unless 'twas very near *Dublin*) did not yield a fourth part of what they will now: And had they then been expos'd to sale, the Purchase would have been at least as low as this Rent, because People during that great (and when I consider how the King's Person was expos'd, I will say uncertain) War, were not very fond of purchasing. If this Computation be allow'd me, which I take to be a very just one, 'twill follow that in those Years these exorbitant Grants which the King has made, would have yielded but 100000 *l.* which is no more than the Parliament gave to *Duke Schomberg*. *After all Deductions the Value about 500000 l. in Ireland.*

This Account of things may perhaps dispose us to think a little more favourably of the Grantees, than that Reflection in the Report of the Commissioners may incline us to do, when they tell us, 'That as most of them have abus'd his Majesty in the real Value of their Estates, so their Agents have impos'd on them, and have either sold or let the greatest part of those Lands at great Undervalues. If Time, and the Labour of Man has made a great difference in the Value, the Imposition is not so great: And if, after all, the Value be very much lower than what they have represented, it may be ask'd whether the Grantees be the only Persons who have abus'd his Majesty, and whether they are the only Men whose Agents have impos'd upon them. If others have been faulty, I would fain know whether those Gentlemen were not so, who by their Errors led our honourable and wise Representatives into that Vote of the 18th of *January*, 'That the advising, procuring, and passing Grants of the Forfeitures and other Estates in *Ireland*, hath been the occasion of contracting great Debts upon the Nation, and laying heavy Taxes on the People.

'Twas very hard to go through such an Enquiry without committing some Mistakes; but 'tis very strange how they should err to that degree, as to return the Forfeitures of the little County of *Carlo* at above eighty thousand Pounds, when a Gentleman who knew them all very well, declar'd several times (as I have heard say) publicly in Coffee-houses, and to several Members of Parliament, that he would prove they were not worth the sixth part of that Mony. *The Forfeitures in the County of Carlo over-valued.*

This large Reckoning has been made, first, by returning too many Acres (which happen'd partly by their following antient Patents, rather than the true Account that was given, which made a wilful mistake). Secondly, By over-valuing those Acres. Thus it is that they have return'd the private Estate at 25995 *l. per an.* which is above three times more than 'twas ever set for. The number of Acres return'd in their Report, where they have taken their Measure from the Grantees Patent, *Mistakes in the Report.*

is 95649, altho neither the late King nor the Grantee were ever in possession of great numbers of those Acres so pass'd (this they say in their late Report, and of this the Commissioners were sufficiently inform'd before they made their first Report) they belonging to Persons whose Interests were sav'd by the Acts of Settlement and Explanation, as innocent Papists and Protestants; and many of the Lands which were in the possession of King James, were evicted in his time, and some since the Revolution. Besides, great Numbers of Acres were held in Fee-farm by Persons not forfeiting, at very low Rents, some bare Acknowledgments, most whereof are precedent to the Rebellion in 1641. and others made by the late King.

To this are to be added the several chief Rents payable out of this Estate to the forfeiting Persons, all which must be deducted out of the Report, in order to learn the true Value of the Estate, and are as follows.

Several
Deductions
to be made.

Land never recover'd, altho in Patent, and deficient upon Survey, for which the respective Tenants have yearly Defalcation, —————

Lands evicted ————— 13093 Acres.

The Farms where only Acknowledgments paid ————— 1785

Total of Acres by the Report ————— 1856

Deducted from them the above ————— 95649

There remain ————— 16734

78915

Which at 2 s. 6 d. per Acre, make yearly ————— l. 9864 s. 07 d. 06

Out of which deduct chief Rent paid out of the Estate, and } 67 04 06

Rent Charges granted to perpetuity ————— }

There remains ————— 9797 03 00

The Value
of the Land
not too
low.

Perhaps the Value here set down upon the Land may to some seem too low. The Gentleman who set it, declar'd to the Irish Commissioners upon the Oath he had taken before them, that 'twas as much as he had set his own Estate for.

But the Circumstances of this Estate are very different from any other in that Kingdom, in order to the understanding of which the Nature of it is to be considered.

The Duke
of York's
Grant in
Ireland.

The Duke of York had granted to him the Estates of all the Regicides, with a Clause of Reprisal for such Lands as should be evicted; but this prov'd very short of what the Acts plainly intended, by reason of the want of Lands to reprice him with, the Stock of the Forfeitures of that Kingdom falling short several Millions of Acres. For which Reason, and in order to restore the Nominee, &c. the Soldier, Adventurer, &c. were oblig'd to retrench a third part of what they were intitled to by the Act of Settlement; but with this liberty, that they might retrench what part they pleas'd, doing it by a streight Line according to the Directions of the Act. With these retrench'd Lands (which to be sure were the worst part of the Parcel) the Duke was repriz'd.

Of this kind several thousand Acres of this Estate were, and they being small Parcels, 'twas impossible they should be set otherwise than the Proprietors of the grand adjacent Denominations were pleas'd to take them.

The yearly
value of it.

This Estate yielded but very little till May 1694. and then only ————— l. 4586 s. 02 d. 00

May 1695. ————— 5125 09 03

May 1696. ————— 5652 00 11 1/2

May 1697. ————— 6725 07 00

May 1698. ————— 7023 14 07 1/2

May 1699. ————— 7912 00 01 1/2

From the 1st of May 1701. the Rent of the whole will be ————— 8489 07 03

Fines receiv'd out of the Estate (which by the Resumption are } 9887 09 02

lost to the Tenants) by Mr. Thomas Brodrick and Mr. Robert } Pooley —————

—————

Besides this there was about a thousand Pounds receiv'd before. This Estate is now set to solvent Protestant Tenants, every one of whom is bound to build, &c. to which they were induc'd by having Leases for Lives, with renewal, for which the Tenant is to pay half a years Rent within six Months.

Concerning this Estate we are further to take notice, First, that great Quantities of Land formerly in the Possession of the late Duke of York, were by him dispos'd of by Sales made to several Persons: Secondly, that part of this Estate is pass'd in Patent to the Earl of *Arblone*: Thirdly (which the Report takes notice of) that the Lady *Bellasis* and Mrs. *Godfrey* had three thousand Pounds *per annum* out of it during Life by virtue of an old Grant, and that there is an Arrear of ten thousand Pounds due to the Lady *Bellasis*, which I hear the Trustees have allow'd her.

The Duke of York's Lands dispos'd of formerly.

Tho the mistake of the Commissioners has been very great as to the Return they have made of the Value of this Estate, yet 'twill appear much less than what they have been guilty of in their other Returns: because this Estate is free from any Incumbrances but what I have here mention'd.

Since those Gentlemen have been so much mistaken in the Value of Estates, 'tis not very improbable that they have been overseen in other Particulars of their Report.

They feed us with Hopes of discovering many more Forfeitures; and in their late Report they have return'd 600: 'twas easy for them to have return'd the Value of them had they pleas'd. The Number sounds great, but the Produce I am assur'd will be but very little. The things discover'd may be but of small Value, and many may happen to discover the same thing. They talk of great Quantities of unprofitable Acres (not return'd in the Report) which are very good Land; and many Denominations of Lands to which they could annex no number of Acres (which they guess to be 70 or 80000 Acres) which wou'd make a great Addition to the Value of the Lands return'd. The Rent at which the Lands are set, shews us what their Produce will be: and the Management of their Surveyors shews us in what Sense it is that their unprofitable Acres are very good Land. There is a Gentleman in Town who tells us, that when they were surveying the Land which he held, they took in a Bog (of which he never made one Shilling) that contain'd about ten times as many Acres as his Land did. Land it seems that's good for nothing, is very good Land to increase their number of Acres: But I fear that Land whereon nothing but Fairies tread, will raise only Fairy Mony.

More Discoveries of Land promised to be made.

They tell us that there were several rich Goods, and other Household-stuff deliver'd by the Commissioners of the Revenue to the Lords Justices, the Lord *Sidney* and the Lord *Conningsby*, which they don't find were ever return'd accounted for to his Majesty, or left in the Castle at their Departure from the Government. Mr. *Durvell's* Affidavit proves, that the Lord *Sidney* did leave them there. They tell us, that as well by the general Report of the Country (which was an excellent Ground for their Report) as by several Observations of their own, it appears probable to them that many of the Persons who revers'd their Outlawries, obtain'd his Majesty's Favour by Gratifications to Persons who abus'd his Majesty's Compassion. After this noise about the General Report of the Country, and their own Observations, they descend to the Particulars.

Goods deliver'd to the Lords Justices not accounted for.

The first Instance they give us is of my Lord *Bellew*, who releas'd a Statute Staple of 1000 l. principal Mony, and 7 or 800 l. Interest to the Lord *Raby*, in Consideration that he wou'd use his Interest with his Majesty to procure his Pardon, which he did accordingly. The very thing it self tells us, that that Mony could not be the Motive of procuring his Majesty's Favour, since the Lord *Raby* could with more ease obtain from his Majesty the Remission of that Mortgage, than a Pardon for a Delinquent who had so great an Estate. Another Instance of Corruption which they tell us of in this Case, is, that he also releas'd to the Lord *Rumney* all the Profits of his Estate which his Lordship had enjoy'd near three Years, amounting to about as many thousand Pounds, in Consideration his Lordship would not give him any Molestation in passing his Patent. The Sum releas'd they are mightily mistaken in, when they tell us 'twas about 3000 l. for 'twas not a third part of the Mony; but be that what it will, why is it mention'd among Instances of Mony being given for restoring forfeiting Persons to their Estates? Had not the Lord *Rumney* that Estate by Grant from his Majesty? Was there any reason then why he should be forc'd to pay the Lord *Bellew* the Profits of the Estate during the time he had it by the King's Grant?

The Lord Bellew's Case.

Lord Rumney vindicated.

The second Instance they give us is, of *John Kerdiff*, who gave to a certain Person 200 l. or thereabouts, to prevail with the Lord *Rumney* to obtain his Majesty's Letter to have his Outlawry revers'd. This Man's Case they say *deserv'd Compassion*; if so, the Lord *Rumney*, in procuring the Reversal of his Outlawry, did not abuse his

The Case of John Kerdiff.

Lord Rum-
ney further
vindicated.

his Majesty's Compassion. Such Instances as this are the others they mention of *John Morris, Harvey Morris, and Edmund Roch*. If they were not able to discover neither by the general Report of the Country, nor their own Observation (which we find has been mighty penetrating) nor the Oaths of Persons examin'd before them, that his Lordship had any part of those little Sums; 'twas hard that they should after such a manner insinuate that he had for Gratifications abus'd his Majesty's Compassion. One would hardly imagine that a Person of a noble Family, whose Ancestor was eleven times chief Governour of that Kingdom, and himself thought worthy of that great and honourable Trust, could be so treated by Gentlemen of that Country.

Another Instance is of Mr. *Hussey* of *Lestip*, who being inform'd by Mr. *Bray* and Mr. *Roscoe* Agents to the Lord *Athlone*, that he could not get his Outlawry revers'd without giving a general Release of all Demands to the Lord *Athlone*, did release a Mortgage of 300 l. which he had on the Lord *Limerick's* Estate, then in Grant to the Lord *Athlone*, who appears not to us, say they, to know of the said Mortgage, or have had any Benefit thereby.

The Lord
Athlone
vindicated.

If the Lord *Athlone* did not know of that Mortgage, and had no Benefit by the Release, I don't understand how he could abuse the King's Compassion, or how this can be reckon'd as an Instance of Pardons being obtain'd by Money. But suppose the Lord *Athlone* had known of that Mortgage, and had told Mr. *Hussey* that he would oppose his Pardon till he releas'd that Incumbrance on the Lord *Limerick's* Estate, I can't see how this could be a greater Crime in him, than accepting a Grant of the Estate of the Lord *Limerick*, since they were both Criminals. There was no necessity for his Lordship's contracting with *Hussey* to procure him his Majesty's Pardon in consideration of that Release, since 'twas easier for him to beg a Release of it from the King.

Corruptions
alleg'd.

Lord Bo-
phin's
Case.

The last Instance they give us, in their Catalogue of these Corruptions, is the Case of the Lord *Bophin*, who, as they tell us, agreed to pay the Earl of *Albemarle* 7500 l. in consideration that he would procure his Majesty's Letter, to have him restor'd to his Estate and Blood. To secure this Money by a Bill that was brought in, 'twas provided, say they, that 9000 l. should be rais'd on the said Estate, and the Remainder they believe, was to be paid to Persons concern'd in negotiating the said Agreement.

If the matter of Fact was what I have been inform'd, it deserv'd quite another Representation than what the Commissioners give it.

The true
State of
that Af-
fair.

Lord Bo-
phin offers
his Chil-
dren to be
bred Pro-
testants.

The true account of that Affair is thus. Upon the Forfeiture of the Lord *Bophin*, his Estate, to which he was only Tenant for Life, was by the King given to the Earl of *Albemarle*: The forfeiting Lord us'd all the Endeavours he could to recover his Estate; and his great Plea was, that he was secur'd by the Articles of *Galway*. Afterwards not succeeding in this Claim, he petition'd the King, and made Overtures to the Earl of *Albemarle* about his quitting his Grant, and prevailing with his Majesty to have him restor'd. In order to bring him to a more easy Compliance, he did not only mention great Incumbrances on the Estate, and represent (what was true) that he was only Tenant for Life, but said that another (a) would set up a Title which would defeat the Grant. These Considerations inclin'd the Earl of *Albemarle* to hearken to Proposals. That which the Lord *Bophin* offer'd in his Petition, to move his Majesty's Royal Compassion, was, that he would give up his Children to be bred Protestants; to the Earl of *Albemarle* for release of his Grant he offer'd 7500 l. which (as I have heard) was readily accepted, by reason of the other Offer. The King, who was pleas'd with the Thoughts of gaining that Branch of the noble Family of *Clanrickard* (and who had almost the whole Territory of that House left him) to the Protestant Religion, willingly embrac'd the Proposal: and pursuant to it two of the Lord *Bophin's* Seven Sons were presently after sent to *Eaton* at his Majesty's Charge, where they have continu'd ever since. But this was not all that wrought upon his Majesty's Royal Compassion in that matter; 'twas represented to him (as it is by the Commissioners in their Report, who had their Hint from the Account that was given then in the Transactions of that Affair by the Persons they examin'd upon Oath) that if that Estate were set to Protestant Tenants by Leases for Lives renewable for ever, 'twould greatly increase the Freeholders, and thereby secure the Property, and advance the Protestant Interest of that Country. His Majesty was therefore

(a) The Earl of *Clanrickard*.

desir'd that one of the Conditions on which the Lord *Bophin* should be restor'd, might be that he should suffer his Estate to be put into the hands of Protestants in trust, who should set Leases for Lives renewable for ever to Protestant Tenants. This Proposal, made to secure the Protestant Interest in that *Irish* part of the Country, was assented to, tho not so very willingly by the Lord *Bophin*; two thirds of whose Estate was thus to be leased out. To settle the whole Matter a Bill was prepar'd, in which (as the Report sets forth) 'twas provided that 9000 *l.* should be rais'd on the Estate. Of that Mony the Earl of *Albemarle* was to have 7500 *l.* for releasing his Grant, the other 1500 *l.* was not (as the Report insinuates) to be paid to Persons concern'd in negotiating that Agreement. When the Bill was under debate in the Council in *Ireland*, some Persons (as I have been inform'd) offer'd a Petition, wherein, pursuant to Proclamations and publick Assurances given, they made a Demand of the Part due to them, as Discoverers of the Lord *Bophin*'s Title: After some debate a thousand Pounds was nam'd and agreed on as a competent Sum; besides this 'twas propos'd (I believe by the Lord *Galway* himself) that 500 *l.* more might be added to the above Sum; his Reason for it was, that the Lord *Bophin* (who was Tenant for Life, and therefore not able to raise Mony) might have wherewithal to defray the Charge of the Bill, and to make him otherwise easy, who was necessarily at that time at a greater Expence than his Circumstances could bear. These were the real Uses for which the 9000 *l.* mention'd in the Report was to be rais'd upon that Estate: In the Bill 'twas said to be for payment of Debts, but they were Debts contracted after the manner I have here mention'd.

E. of Albemarle was to have 7500 l.

It must be own'd the Commissioners could not but hear Reports and Suggestions of faulty dealing in this Affair from the People of that Country, who were generally ignorant of the real Truth of that Transaction: Therefore they sifted the Matter, and trac'd it as far as they could, and omitted no Question that was proper to discover whether great and considerable Men in the management of the Affairs of that Kingdom had in this Transaction acted a faulty and corrupt part or no. The Lord Ch ——— r of that Kingdom (who was examin'd several Hours by the Commissioners) and Mr. *Thomas Br ——— k* in their Examinations upon Oath gave (as I have been inform'd) the same Account which I have here deliver'd: Mr. *Daly* (commonly known by the Name of Judg *Daly*) who was Manager for the Lord *Bophin*, being strictly examin'd four Hours together upon Oath concerning the disposal of the Mony, and the subject Matter of the Bill, gave the same Account: Several Questions were put to him, Whether Mr. *Tho. Br ——— k* or *A. Br ——— k*, were to have any part of the Mony? Who solicited the Bill at the Privy Council? What did the Lord Chancellor, or any other of the Privy Council say concerning it? How came the Lord *Gal ——— y*, Lord Ch ——— r, Mr. *Thomas Br ——— k*, and Mr. *A. Br ——— k* to befriend the Bill? &c. His Answers upon Oath were, that neither of them were to have one Groat directly or indirectly; that they were for it upon no other account, as he believ'd, than to bring the Children of the Lord *Bophin* (who were seven Sons and two Daughters) into the Protestant Church, and to plant his Estate with Protestants; that that which was then a *Catholick*, might be made a *Protestant Country*.

Several Examinations taken in the Lord Bophin's Case.

Design of making the Lord Bophin's Children Protestants.

This was the Substance of what that Gentleman discover'd upon his Oath. I must indeed do the Commissioners the Justice to own that they did all that lay in their Power to discover whether there were any corrupt Dealings among the Managers of that Affair; and so exact were they in discharging their Trust, that they told that Gentleman (as I have heard) that if he would discover, they would recommend him ——— His Answer was, that he was very unfortunate, if he were taken to be a Person who would be bribed.

Good Patriots will leave no Stone unturn'd to make a discovery, when it is suggested to them that great Men are corrupt: And if their Zeal should happen to carry them a little too far, their Intentions of serving the Publick, will perhaps to some seem a sufficient Justification of what they do. This is the Excuse that is to be made for the too great Concern shewn by Mr. *A ——— y* in that Examination. When the Lord Chancellor was declaring upon Oath what he knew of my Lord *Bophin*'s Affair, he was very well pleas'd with the beginning of his Evidence, when he mention'd the Mony to be given to the Lord *Albemarle*, &c. which he thought was a sufficient discovery of the Bribery; but afterwards when he proceeded to open the whole Matter, and give an Account of the Considerations, he spoke to Sir *R. L.* and begg'd him to bid the Lord C ——— r hold his Tongue, for that he would spoil all that he had said before.

The Great Men vindicated from the slander of Corruption.

How the
Bill came
to be re-
jected.

Things being thus, 'twill be wonder'd how the Bill should (as the Commissioners in their Report tell us) be rejected in the House of Commons in Ireland. The Reason is very well known in that Country; besides that the House was at that time warm'd more than ordinary by the Struggles and Debates of opposite Factions, it must be own'd that they had receiv'd very ill Impressions concerning that Affair, which continue yet with a great many, who have not been inform'd of the full Truth of that Matter, as 'twas deliver'd upon Oath at the Commissioners Table. Besides these, there were some other Reasons for the rejecting that Bill, which need not here be mention'd.

The Clau-
destine Bar-
gain laid
open and
disprov'd.

This is the true Account of that *clandestine Bargain* (as 'tis call'd in the Report) which is the last Instance given by the Commissioners of *Outlaws* obtaining his Majesty's Favour by *Gratifications to Persons who abus'd his Majesty's Royal Compassion*. The Report of this Affair might better be let alone, since the Matters that were transacted deserv'd quite another Representation than is made in the Report. If he who resigns a very valuable Interest for a very small consideration of Money, out of regard to that great one of settling the *English* Interest in an *Irish* Territory, and gaining a great Family to the *Protestant* Communion, may be said to *abuse his Majesty's Royal Compassion*, 'twill be almost impossible for a great Man to recommend any thing to the King which may not be call'd an Abuse.

But I shall in this Digression (as I know 'twill be call'd) run too far: I could not avoid mentioning some of the Mistakes which the Commissioners ran into, when I consider'd, That 'twas the Report they made of the Greatness both of the Forfeitures, and the Faults of those who were interested in them, that inclin'd the Parliament to pass that *Resuming Bill*, which besides other Inconveniences of it, will be the occasion of turning out many thousand Protestant Families, and bringing the *Irish* into their Habitations.

But 'twill be said, Why these Complaints against a Resumption now, since we are told by the Author on *Resumptions*, that there have been many in former days?

Objection
answer'd a-
bout Re-
sumptions
in former
Reigns.

To this Objection I shall give this general Answer, That a Resumption from a King (if I may use the Expression) is what was never heard of in this Nation before. All the *Resumptions* which that Author mentions before the Reign of *Henry the Sixth*, and more than he mentions, were Arbitrary Acts of the Kings themselves, who without the Assistance of the States of the Kingdom, either to enrich themselves, or to give to great Men whom they had occasion to court, or to carry on their Wars abroad, seiz'd the Estates which they or their Predecessors had given away. Herein they acted as Princes always did in the beginning of the *Gotwick* Governments, whilst the *Feuds* were given only during Pleasure. Tho' such Resumptions as these make against our Author, yet don't we thank him for mentioning them, since they only serve to introduce an Arbitrary Power. The Resumptions afterwards in the Reigns of *Henry the Sixth*, *Edward the Fourth*, and *Henry the Seventh*, are less, if possible, to the purpose. They were either trifling, and such as were eluded by the many *Savings* put in by the Kings, of which kind were all the Resumptions but one in the Reign of *Henry the Sixth*, and the three first in the Reign of *Edward the Fourth*; or they were to recover the Lands out of the hands of Usurpers and their Grantees. Such was the Act made in favour of *Henry the Sixth* at *Westminster*, after that he got the better of *Edward the Fourth*, who had reign'd ten Years, and dispos'd of the Lands to his Followers. Such likewise was the Act of 13 *Edw. 4.* three Years after, which vested in *Edward the Fourth* (who had now got the Ascendent again) all the Lands which *Henry the Sixth* had given to his Followers (a): and of this sort was the Resumption in the first Year of *Henry the Seventh*, which vested in him all the Lands which his Uncle *Henry the Sixth* had in the 34th Year of his Reign. These were Acts to recover the Lands out of the hands of Usurpers, and are to no purpose mention'd, for they all prove strongly for the King. They don't only shew that there was nothing taken from him, but that 'twas the Opinion of the States of this Land in those Times, that they could not touch his Prerogative, since in every one of those Acts there is a *Saving* for it.

Things standing thus, as I have represented them, I am humbly of Opinion, that it concerns the States of our Kingdom now assembled, to consider whe-

(a) Vid. Tyrrel's History, pag. 194.

ther it be not their Interest to review that Act, and to think of what may be proper for them to do when they have well consider'd all Circumstances. *A review-
ing of the
Act recom-
mended.*

To direct their Consultations, and bring them to reasonable and just Resolutions in this Matter, nothing more will be necessary than to weigh the Conveniences and Inconveniences of that Act; and if it should happen that the Conveniences of it will not make amends for the Inconveniences, the Resolution afterwards will be very easy.

All the Convenience that I can see in it worth the taking notice of is, the Mony we shall raise by it, which will be but a very poor and inconsiderable Sum.

The Inconveniences of it to some may seem very great.

First, 'Tis to be consider'd whether the destroying our Constitution, under which we have liv'd for many Ages in great Wealth, Honour, and Prosperity, be not one. 'Tis likewise to be consider'd, whether our Constitution be not destroy'd; first, by taking from the King that Right of Prerogative, which in all former Ages has been allow'd. Secondly, By seizing mens Properties, which never was done before. If any think the Lords were under some constraint in passing that Bill, they may perhaps reckon that another Breach in our Constitution. *The Incon-
veniences
of not re-
viewing the
Act.*

Secondly, 'Tis to be consider'd whether this Act, in affecting the King, may not affect the Publick too sensibly. Some may think it more than probable, that to it we are to ascribe the Breach of that Treaty of Partition, which might not only have secur'd the Ballance of Europe, but in time have brought that Power, which has been so much dreaded, to at least as low an ebb as we could desire. This I believe was foreseen, and therefore perhaps 'twas thought necessary to find Instruments to run down that Treaty of Partition in England, that we might be dispos'd to swallow that which must be a bitter Pill indeed. *The King's
Honour to
be regard-
ed.*

This might be the Design of a Book, which we heard was writ upon that Subject, and was to come into the World some time since: 'Twas thought fit to suppress that; but we may guess what it was, by that which has been lately publish'd by a manifest Enemy to our State.

If this Bill was the great Motive to that Resolution, if a Great Monarch would have given more for it at that time than I will pretend to name, only to give Foreign Princes, and one particularly, a little Idea of the King of Great Britain's Power, this must needs lessen the Value of it to us. But 'twill be said, All that is now over. No, things at this time are in that condition in the World, that we must either undertake a vigorous War in conjunction with other States, or give up all our Traffick abroad, and be under very ill Circumstances at home. If we are to engage in a War, 'twill be necessary that we give all the Demonstrations we can of Honour and Respect for the King; which we can do no way more successfully, than by restoring what we have taken. Things may be so order'd, that much more Mony may be rais'd than the Lands were worth before he granted them away; but if none were, we should be very far from being losers by it in the end. *The great
Advanta-
ges France
has taken
by lessening
the King's
Power.*

Thirdly, It may be reckon'd another great Inconvenience in that Act, if it has any way serv'd the Interest of Popery.

The Reformed Religion is at this time under such dangerous Circumstances, that I think we ought to be very cautious of giving Papists the least Opportunity of boasting of our Favours. The use they make of it abroad, is to make those of their Communion believe that their Cause has a considerable Interest in this Kingdom; and this in order to draw them into Confederacies against the Reformed Religion, and us particularly. Such Representations as these may have a very fatal Influence in Protestant Countries, and make some run in the way we fear they are going. No one can imagine that I would insinuate that the Parliament of England design'd to shew any Countenance to Papists, as such; they gave a clear Demonstration of a very opposite Temper the last Session. But altho they were very far from giving any Spirit or Countenance to Popery, yet Papists might abuse their Compassion, and from it take occasions of insulting. *The dange-
rous Cir-
cumstances
of the Pro-
testant Inte-
rest now.*

'Twas, I think, great Clemency and Compassion in the King to restore some who had taken Arms against him, to their Estates and Blood (for the conquering *Kings great
Clemency
manifested
on this Oc-
casion.*

Sword should not methinks spoil and ravage to the utmost extremity) and 'twas a compassionate Act in the Parliament to confirm the King's Charter of Mercy to those Outlaws: But that which was craftily publish'd abroad for the advantage of Popery was, that Papists had Interest enough in *England* to secure in Parliament the Grants which the King made to outlaw'd Papists, to the Value (according to the Commissioners Return) of 260863 *l.* 7 *s.* 3 *d.* when the Grants of all the great Men who serv'd his Majesty were resum'd, when Protestant Purchasers could not obtain the Favour to be allow'd any more than one third of 63000 *l.* Purchase Mony, and no regard was had to Tenants and Improvers.

That such a Representation as this might be prejudicial to the Protestant Interest abroad, was, I believe, foreseen by some who in the beginning minded the drawing of the Bill; therefore in the first Draught care was taken (as I have heard) to include those Estates of restor'd Rebels with the Grants of Protestant Noblemen: how they were left out afterwards, it concerns not me to enquire.

More Incon-
veniences
attending
that Act.

Fourthly, Some will reckon the ill Blood that has been created in the People of that Kingdom, another considerable Inconvenience of that Act. That there is a general dissatisfaction among the Protestants there by reason of the Execution of it, is what we are assur'd from all hands. Some I know will ask, Why should we be mov'd at this, since their Resentment is not able to hurt us? Tho it be not in their Power, nor, I hope, in their Inclinations, considering what Obligations we have laid upon them in delivering them out of the hands of their Enemies, to withdraw themselves from our Obedience; yet must we reckon it our Interest, when we consider things thorowly, to treat them with Kindness. All wise States have made it their care to keep the Kingdoms that were in subjection to them and their Colonies in good Humour: And it seems to me to be our Interest to treat them so, that we may be secure of their hearts and hands; that we find their Obedience chearful, and their Compliance ready, whenever we have occasion for that Assistance which they are able to give us. They who despise their Resentments at this time, don't sufficiently consider human Nature, nor the course of our Passions: When the Spirits of a People are once thorowly fow'd, when the Resentment pierces deep, there is a danger of its being transmitted to Posterity, and it may have no good Effects hereafter in other Circumstances of our Commonwealth.

Another
Revolution
projected by
some.

When I represent this as an Inconvenience, I must ask Pardon of Men of other Sentiments. If there be any who are projecting for another Revolution, they must think that nothing can be more their Business, than to raise Feuds and Animosities, and divide us among our selves. They never will fail of taking effect, when what they propose carries an appearance of Advantage to the Publick: 'tis not, I think, the Business of wise and good Men, who love the Happiness and Tranquillity of their Country, and are for supporting the present Government, to humor Men of their Designs, to hurt People who have ruin'd their Fortunes, and hazarded their Lives in our Service, to please them who think they can't make themselves happy otherwise than by ruining us.

Encourage-
ment to be
given to the
English in
Ireland.

These Measures are very differing from those which have been taken by the wisest and best of our Ancestors. 'Twas always their care, in those Reigns wherein the publick Good was most regarded, to give all possible Incouragement in that Kingdom to the *English*, who hazarded their Lives to subdue the Rebels there, and keep the Country in subjection to the Crown of *England*.

The King's
great Care
of the Pro-
testant In-
terest in
that King-
dom.

It must indeed be own'd that his Majesty, whilst those Lands were in his Hands, gave strict Orders that they should be let only to Protestant Tenants: the same care was afterwards taken by his Majesty's Grantees in selling as well as settling their Estates. 'Tis a great Misfortune that it was so; for had not such Provision been made for securing the Protestant Interest in that Kingdom, its Security had been abundantly better establish'd than now it is: The *Irish* had then born a part of the Calamity; and so many thousand Protestants who have fought for the Crown of *England*, and by their great Services lessen'd the Charge we should have been at in reducing that Kingdom, had not been ruin'd by having the Bounty of their Prince, their legal Purchases, and the Fruits of their Labour, seized to defray the Charge of the War.

Tho it may be the Desire and Interest of some People to have those treated as Rebels (as too many reckon them to be) who were active in subduing the *Irish*, and reducing them to their just Obedience to the Crown of *England*, 'tis impossible but an

an *English* Parliament must have other Sentiments, when they set themselves seriously to consider their true and real Interest. If their Services will not procure them so much Favour, as to be restor'd to what they purchas'd and improv'd, to which they had as good a Title as any Man in these Kingdoms has to his Estate; their Calamity will carry a Symptom with it, which to them who love the Protestant Interest and our present Settlement, must cause a much greater concern than what arises from the Suffering it self.

If when their Rights are secur'd to these Protestant Purchasers, Tenants and Improvers (which certainly will be in an *English* Protestant Parliament) and the several Claimants have reap'd the full Benefit of their Claims, the Produce of the *Resuming Act* will be but very little more than the Advantage which will accrue to the *Irish Commissioners and Trustees*, and the Pleasure and Satisfaction which our Enemies will have in seeing the King's Grants resum'd after a manner unknown in this Land before, and the Rewards of their Services taken from those great Men, who follow'd his Fortune, and were Instruments in the hand of God to deliver us from Popery and Slavery that were just breaking in upon us; 'tis hop'd that the Wisdom and Justice of this Nation will not think it their Interest to adhere to what they have been led into by the false Suggestions of Men who have had more regard to their private Gain, than the Glory and true Interest of *England*. If after the *Trustees* have spent three Years Rents of those Forfeitures in the Execution of that *Trust*, and the Claimants have been at a hundred thousand Pounds charge in their Journeys from their respective Countries to *Dublin*, and in prosecuting their Claims, and the whole Kingdom has for that Course of time been disquieted with the Jurisdiction of twelve arbitrary Men, all that *England* will gain by it will be no more than the little Sum above mention'd, it can hardly be doubted but that all those who love our Constitution, are for supporting the present Government, and have a regard to what is truly honourable and just, will restore to the several Persons concern'd what by the settl'd Laws of this Land belong'd to them; or at least will receive such Proposals as shall be made for raising a Sum that may seem reasonable to *England*, and will be rais'd with less Prejudice and Dissatisfaction to the People of *Ireland*.

The Benefit arising to the Protestant Interest.

A LETTER from a Soldier to the Commons of England:

Occasion'd by an ADDRESS now carrying on by the Protestants in Ireland, in order to take away the Fund appropriated for the Payment of the Arrears of the Army.

Printed about Jan. 1701.

BUT before I examine it particularly, I will take notice of some Discourse I entertain'd with one of the principal Men who promoted it, who endeavour'd to prevail with me to sign it. I told him this might be constru'd an Appeal to the King against his Commons, without whose Consent they could have no Relief, and therefore I thought it very imprudent to give them so just occasion of Offence: That I believ'd it would not be very acceptable to his Majesty, and I was sure not agreeable to so many Loyal Expressions in it, to endeavour to sow any Dissension betwixt Him and his People, at a Time too when there is need of their greatest Unanimity. Besides, I thought his Majesty had Matters of too great Importance in Agitation, to busy himself about their trifling Grievances; and therefore

The Design of the Letter.

fore it was my Opinion that it would be most advisable for them to apply to the House to redress the Severities (if any) in the Act; and if there were any Fault in the Administration, to exhibit Articles against the Trustees. I was answer'd, that this would be owning the Right of the Parliament to govern *Ireland*; and that this is the true Reason, appears from the whole Cast and Turn of the Address, where in three several Paragraphs their Dependence is expressly limited to the Crown of *England*, as it were on purpose to exclude the Lords and Commons from having any thing to do with them. And I assure your Honours, these are the deepest Politicks of our Climate.

The Depend-
ency of
Ireland on
England.

I wonder at these thoughtless Statesmen, who can imagine that the People of *England*, who have conquer'd and reduc'd *Ireland* in above forty Wars at their own Expence, and with the Loss of near a Million of their Countrymen, who have almost peopl'd the Country, and have and must continually support it with their Fleets and Armys, should have no other Aim in this, than to give a few of their Officers good Estates, and people a new Country with their Fellow Subjects, who from that time were to be independent, and not subject to the Legislative Power of *England*, but should be a distinct State govern'd intirely by its own Laws, and might carry on what Trades and Manufactures they pleas'd, even to the Ruin of their Mother Country. This is a Conceit worthy of the Place from whence it comes: If these Gentlemen had any Experience in the Affairs of the World, or were acquainted with History, they would know that no Nation ever sent out their own People (which are their Strength and Treasure) either to plant Colonies, or in Armies to conquer Countries, but for the Benefit of their Mother Country, who have always made them subservient to it; and the Adventurers have thought themselves sufficiently encourag'd, in having Estates and other Advantages given them in the Colonies and Conquests, without pretending to an Independency.

Some of these worthy Persons say that *Ireland* was not conquer'd by the Parliament of *England*, but by the King, to whom they own Subjection: Which is as much as to say that a King of *England*, at the Head of an *English* Army paid by *English* Mony, can conquer for himself and not for the Kingdom, which is an Absurdity I shall not think reasonable to answer.

Others say they don't affect an Independency of *England*, for they own they are dependent upon the Crown; which, whether they know it or no, is no dependence at all upon *England*, for it amounts to no more than their having the same King, and so has *Scotland*, *Breda*, the Principality of *Orange*; and in this Sense *England* may be call'd Dependent on *Ireland*. There neither is nor can in nature be any Dependence of one Nation properly speaking on another, unless it be subject to its Laws, else it lies in their Power to be independent when they please. Suppose the King and Parliament of *Ireland* repeal *Poyning's* Law, where then is their Dependence? What if King *James* when he was upon the Throne had by the Consent of a Popish Parliament in *Ireland* alienated the Kingdom, must all the Blood and Treasure we have spent there be quite thrown away?

Objections
remov'd.

Well, but the worst Objection comes at last, which is, That *Ireland* was never conquer'd at all; and this is a home one, tho I dare say never heard of in *England* till Mr. *Molineaux* broacht it. And whom do we hear it from now? Not from the *Irish* and old Proprietors, for they both see and feel they have been conquer'd with a Witness; but this Objection comes from your own Countrymen, whose Ancestors have been sent over in your Armies to subdue the Natives, and rewarded with great Possessions, who have grown rich and powerful under your Protection, and lately when they were driven out of their Country by a Force they were not able to resist, were hospitably entertain'd by you, and by your Power restor'd to their Estates and Religion: and these very Men, as they have made use of your Power to subdue the *Irish*, they now set up a Title in the *Irish* against your Authority, and would assume to themselves all the Advantage of the Conquests you have made.

Absurdity
of their
Pretensions
who would
assert the
Indepen-
dency of
Ireland.

They must be very happy Men who can have so comfortable an Imagination, and 'tis pity to deprive them of it.

Strange, that a small Colony not yet wean'd from its Mothers Breasts, that can't subsist without its first Milk, should affect Designs of Empire! But what Greatness of Soul has produc'd in other Countries, want of Thought does in them.

A Handful of People, beset with seven times the Number of *Irish* who are their mortal Enemies, yet to assume all things to themselves, and at the same time pretend to

to an Independency of *England*, against whose Power, and without whose Power they cannot subsist one Moment!

But your Honours very well know your own Authority, you can compel their Obedience, and condemn their Scolding.

I remember a Story of *Oliver Cromwell*, when a Shentleman of *Wales* came up to Court to acquaint his Highness, one in the Country had spoken very disrespectfully of him, he first ask'd if he was a Man of any Consideration; and being answer'd that he was a very insignificant Fellow, he then desir'd to know the Complaint, and after some Apology for the Indecency of Speech, he was told that the Man said *his Highness might kiss his* — To which he reply'd, Go home and tell him that he may kiss mine.

Having given your Honours an Account of the general Design of this Remonstrance, I will now examine it particularly, and shew it to be as false as it is ridiculous. The Title is as follows:

To the King's most excellent Majesty, The Humble Address of the Nobility, Justices of the Peace, Grand Jury, Clergy, Gentlemen, Freeholders of the County of Dublin, &c.

Here is a very pompous Title, and one would think by it that the whole City of *Dublin*, or at least all of any Consequence in it had approv'd of this Address, and sign'd it: but it is so much otherwise, that most of the Nobility, and Privy Counsellors, all the Bishops, Judges, and Eminent Lawyers, together with most of the considerable Gentry, have directly refus'd to sign it; and many of those that have done it, excuse themselves by saying they did not know what it was, and that they sign'd it merely out of good Fellowship: and indeed they were so much put to it to get Hands, that amidst their Protestant Freeholders they were content to accept an *Irish* Papist, who unluckily had only a Lease for Years; which one of the Company being scandaliz'd at, said he would not sign it unless to the Words *Protestant Freeholders*, they would make this Amendment, *viz. and one Papist*. This being the Case, was thought so reasonable by others of the Company, that a wise Debate arose about it; some were for adding the Words, and others for striking out his Name: And after a very solemn Dispute learnedly maintain'd on both sides, which was most respectful to his Majesty, an Interlineation or a Razure, the prevailing Opinion was to strike out his Name, and so it stands to this Day.

Next follows the Introduction.

YOUR Majesty's most Faithful and Loyal Subjects, the Protestants of this your Kingdom of *Ireland*, lying under such Pressures by means of the late Act of Resumption, and of the Execution thereof, that they apprehend the Ruin of the Protestants of your Kingdom (who have all of them to the utmost of their Power been most forward and zealous for your Majesty's Interest, and instrumental in reducing your Kingdom to its Dependence upon the Crown of *England*) must be the unavoidable Consequence of the Execution of that Act, do humbly fly to your Majesty's Protection, and pray that your Majesty, the Restorer of their Religion, Rights and Liberties, would once again be pleas'd to take their distressed Condition into your Princely Consideration; and by such Methods as to your Majesty shall seem most expedient, and their present Circumstances and the Justice of their Cause do require, apply suitable Remedies to the severe Burden under which they lie. The Deplorable Condition of very many Families, who always have adher'd firmly to the Interest of your Majesty and the Crown of *England*, and the General Discouragement that Act has given to the Protestant Interest of your Kingdom, constrain us with all Humility to lay before your Majesty, that the Act being entirely fram'd and passed in *England*, the real Truth of our late Circumstances could not be known: Hence we have reason to complain.

All that is observable in this (besides its being by the whole Texture of it an Appeal to his Majesty against his People, and in two several Places a Confinement of their Dependence to the Crown of *England*) is their setting forth the Kingdom to be in a wretched and deplorable Condition. One who knew nothing of the matter, would think by these and other Expressions scatter'd up and down in the Address, that without some immediate Cordial they were unavoidably gone. But I assure your Honours the Case is not so desperate, for the Kingdom is in a better
The Design of the Remonstrance consider'd.
 Con-

Condition than before the War : The Rents of Lands are higher, and the Purchase dearer, the Produce of their Lands notwithstanding they have had plentiful Years is almost as dear as in *England* ; the Excise and Customs increase ; even since the Trustees came over the Rents have visibly improv'd ; and universally there is a greater Appearance of Riches in their Coaches, Clothes, Equipage and Furniture of their Houses. Nay, what is amazing to see, they have such a visible Increase of Riches and Power, that the very last Summer near three hundred Houses were built in *Dublin* upon new Foundations, a great many of which are fit for Persons of any Quality : And in all probability as many more will be built next Year, great Quantities of Ground being laid out for that Purpose. And at the time they thus abound in Wealth and Luxury, they pay no Taxes, besides the King's ordinary Revenue, when their Protectors are loaded with fifteen or sixteen Millions of Debts, and every Year pay constant Land Taxes ; so little Reason have they to complain.

The first Article in the Address.

Viz. That the Persons who receive any Benefit or Favour by this Act, are the Papists of this Kingdom, and among them principally those who to the last oppos'd their Majesties Arms and Interest : and besides many other particular Favours to Irish Papists, all those who by their Majesties Grace obtain'd Reversal of their Outlawries, have the Benefit of those Reversals confirm'd to them, and are by this Act restor'd, as well to their Estates as to their Blood ; when most of the Grants made to the Protestants, are by the said Act reassum'd.

The Seventh Article being of the same nature, I will insert it here, and answer them both together.

The Seventh Article.

Viz. That the whole Scheme of the Act, and the manner of the Execution of it, depresses and discountenances the Protestant Interest of this Kingdom, and encourages the Papists ; of the Danger of which we who have felt the Effects of it, must always be apprehensive, but more particularly now when the Papists throughout the whole Nation, by the Insolence of their Behaviour, shew, That the acknowledging the pretended Prince of Wales by the French King, or some other Dependence, have rais'd their Expectation to a great height.

The Ingratitude of the Authors of the Remonstrance.

Observe, most noble Senators, observe their Gratitude for your receiving them when they were Exiles, clothing them when they were naked, and at last restoring them to their Estates at your own Expence. Now they charge you with favouring those very Papists you have vanquish'd, and particularly such who most oppos'd his Majesty's Arms. You are charg'd that you have made an Act, the whole Scheme of which was, to depress and discountenance the Protestant Religion, and encourage the Papists. But the best of it is, tho their Malice is great, their Power is small, and they are easily overthrown in their Ground-work : I challenge them to tell me one Part of the Act that distinguishes in favour of the Papists ; and I do affirm, that the Act in no part of it confirms the Reversals of the Outlawries, tho they positively here assert, *That all those who by his Majesty's Grace obtain'd the Reversal of their Outlawries, have the Benefit of those Reversals confirm'd to them, and are by this Act restored, as well to their Estates as to their Blood.* Nay, this Act is so far from favouring the Papists, that by the Clause that turns Estates Tail into Fees (as I have been inform'd by some of the Trustees) twenty thousand Pounds *per annum* is taken from them, and not one hundred from the Protestants ; and I am apt to believe they lie under one Disadvantage further by this Act, that they do not know how to place their Money so beneficially as formerly.

I am unwilling to believe that our Addressors meant nothing by these two Articles, and therefore think it probable that the Favour they have complain'd of is, that the Act has given the Papists, as well as Protestants, a Right to claim all that is due to them in Law or Equity ; which is a Favour indeed, since many of them could not get it before, tho they honestly paid for it.

The Resumption vindicated.

Pardon me (most grave and wise Representatives of your Country) that amidst the great Affairs which now imploy your Counsels, I presume to lay this humble Address at your Feet. I am sensible neither my Education nor Profession qualify me for this sort of Combate : but as the dumb Man could not avoid speaking when he saw the Sword at his Father's Throat, so when not only that Provision appointed by your Honours for Payment of our Arrears, is attempted to be rifled from us, but your Justice is libell'd, your Authority disown'd ; when you are address'd against to your King, and charg'd with favouring Popery, and discountenancing the Pro-

Protestant Religion, and this for no other reason, but because you have apply'd the forfeited Lands of *Ireland* to the payment of those Debts contracted for the reducing it, and restoring those very Men to their Estates, who have now the audacious Insolence and Folly to misrepresent you and your Proceedings: I say, when I see this, I cannot avoid shewing that just Resentment and Indignation which becomes an *English* Man and lover of his Country.

Your Honours must needs be sensible what we have done and suffer'd for it; we have born all the Miseries and Fatigues of War, with a Constancy, Conrage, and Fidelity, equal to any in History, at the same time when we had near half of our Pay detain'd from us, and the other paid us in Tallies, which we were forced to sell at Twenty, Thirty, and sometimes Fifty *per Cent.* discount. One whole Campaign we serv'd without any Pay at all, and not so much as repin'd at it; insomuch that many of us have spent our private Fortunes in the Publick Service, and have nothing left but Scars, and the Hopes of having our Arrears paid by Lands in *Ireland*. I mean not by this to complain of our Usage, for I very well know the Publick Nececessities made it unavoidable; and I am ready again to spend a tatter'd Life in his Majesty's and my Country's Cause, tho without any Pay at all: But when our Interest does not come in competition with the Publick, but a few private Men, who by Rapine and Oppression have rais'd themselves on a sudden to great Estates, and like Mushrooms sprung up in a Night, then I may presume to say, Justice and Compassion both plead for us, and we hope your Honours will think us Objects of your tenderest Consideration.

We are very sensible if we lose this Fund, how little Probability there is of getting another, at a time when the Nation is entering into the greatest, most just and necessary War that ever they undertook, and the utmost Taxes they can raise will hardly be sufficient to carry it on; and therefore we hope your Honours will not lessen that Security you have given us, when we have waited already so many Years for what we purchased with our Blood and Toil, have receiv'd no Interest for what was due to us, and even now are forced to sell our Debentures for half their Value. We think we have a sort of natural Right to these Forfeitures; they are but the Plunder of the Field, and of Right belonging to the Conquerors. In the many Rebellions in this Kingdom, the forfeited Lands have been always divided amongst the Soldiers: Not only the *English* Constitution, but most of the Governments of *Europe* were built upon this Foundation, of dividing the Lands of the Conquer'd amongst the Conquerors; and from hence proceed all the Tenures remaining at this day.

The necessity of having such a Fund for payment of Arrears.

But that I may detain your Honours no longer, I will come to the main Design of this Paper, which is to shew the Folly and ridiculous Falsity of an Address, or rather Remonstrance made to his Majesty against his People, and an Act that He himself has given his Royal Assent to.

I am amaz'd to hear some Men in this Country complain of favouring the Papists, when they know that since the Trustees came over, tho several of them have been tried, and the fullest Evidence given against them, yet not one has been convicted. The Managers here are so implacable against your Act, that they would rather their mortal Enemies should enjoy their Estates, than they should be apply'd to the Benefit of the People of *England*, and to discharge those Debts that were contracted for their own Deliverance, of which I will give some Instances.

In *Michaelmas* Term 1699. *John Moore* Merchant was brought to his Trial in the *King's Bench*, for having commanded a Company of Foot under the late *K. James*; and tho there were 8 Witnesses of undoubted Reputation swore it directly against him, and the Criminal scarcely denied it, insomuch that the Judges gave positive Directions to find him Guilty, yet by a Jury of the most considerable Citizens of *Dublin* (whereof some are Addressers) he was found *Not Guilty*.

Instances of Abuses in trying of Criminals.

In *Easter* Term 1701. *Sir Laurence Edmond* was brought to his Trial at the *King's-Bench* Bar, by Direction of the Trustees, for Foreign Treason: And the Facts plainly proved were, That the Prisoner was an Officer, and actually engag'd against his Majesty's Forces at the Battel of _____ in *Piedmont*. The Evidence was so plain, that the Judges directed the Jury to bring him in Guilty; but the Objection being made, that the Benefit of the Forfeiture would go to the Trustees, part of the Jury declar'd they would not find him Guilty: And a Gentleman of great Integrity and Worth being then on the Jury, and desperately ill, and declaring, tho he died, he would not give his Verdict, *Not Guilty*, it was contriv'd to withdraw a Juror; and so the Prisoner escap'd.

Last Summer Assizes at *Cork*, *John Walsh* came on to his Trial, for commanding a

Foot-Company in the *Irish* Army. And tho ten Witnesses swore against him, and he was taken a Prisoner upon the Surrender of *Cork*, and the Direction of the Court was positively to find him Guilty, yet the Jury acquitted him.

The Trustees under great Discouragements.

There are multitudes of Instances of this kind, too tedious to enumerate; therefore I shall only say in general, that the Country has found every Man not Guilty that has been tried by direction of the Trustees: But when our Managers were Jackals to the Grantees, and shar'd the Prey with them; then their Indignation ran so high against Popery, that the Methods of the Law, and the known Rules of Justice, might be transgress'd to bring about the good Work of condemning Delinquent Acres. No Age nor Sex could be more exempt from their Sentence, than that of Fate. Mrs. *Levallin* an Infant of three Years old, must be outlaw'd for Foreign Treason. Mrs. *Lutterell* must be outlaw'd too, as soon as her Husband's Brother got a Grant of the Estate, out of which a small Portion was appointed for her Jointure. Mr. *Thomas Eustace* of the County of *Kildare*, who had submitted to his Majesty and the late Queen, and taken the Benefit of the Declaration promising Pardon, was notwithstanding Indicted: And altho he surrender'd himself to the Sheriff on the Exigent, who thereupon return'd a *Reddidit se*, yet he was afterwards Outlaw'd. The said Return being alter'd by Rule of Court, *Chamberlain* and others were committed to Prison, and by Threats and Duress driven to sign a Petition that they might be outlaw'd. Thus like Beavers they gave the Hunters their Prey, and then they were sure the Pursuit would be staid.

I do confess the barbarous Treatment they met with from the *Irish* in general, and particularly in passing an Act in their pretended Parliament for attainting many thousand innocent Protestants, without respect to Age or Sex, will in some measure justify this Retaliation. But 'tis unaccountable that they can forget their Interest, and lay aside innate Animosities to the *Irish*, rather than do Justice, when it is for the benefit of the only People upon Earth that can or do protect them.

The Second Article.

That the Improvers and poor Husbandmen, who by several Proclamations issued by your Majesty's Order, were encouraged and required to betake themselves to their Tillage, to repair the Desolation wrought by the War, and prevent a Famine, are by it depriv'd of all the Benefit of their Labours, and the Charges of their Improvements.

The Resumption not favourable to Papists.

I should have wholly passed over and neglected this Article, as containing in it nothing either of Moment or Meaning, were it not that I thought it here a proper place to take notice to your Honours how little the Talents of these Gentlemen consist in Reasoning, and how much in Blundering, and to shew that they have not the least share or proportion of Memory left them to support or alleviate the gross Inconsistency of their Inventions; they would not else have so soon forgot the Complaint they made in the very next preceding Paragraph, of the Papists being advantaged by this Act, and immediately they themselves insert this whole Article in their favour: For what else but Papists can be here possibly understood, since these Proclamations were issued by his Majesty, with respect only to such as had born Arms against him, among whom there were very few or no Protestants at all? These therefore were the only Persons, who after the Battel of the *Boyne* were encourag'd by the Proclamations of *Finglass*, &c. to betake themselves to their Trades and Husbandry, within the Provinces and Limits reduc'd to his Majesty's Obedience. Now all these Tenants have the Benefit of those Proclamations secur'd to them by the Act it self; so that if we consider these their favourite Popish Tenants occupying the Lands belonging either to Protestants or forfeiting Persons, there is all the Provision imaginable made for their Security, so far are they from losing the Benefit of their Labours and Improvements, most falsely suggested, I might add ridiculously. If your Honours could possibly entertain a just and adequate Notion of what generally passes under the name of *Improvements* in this Kingdom, which comes so short of what is commonly understood by the same Word in *England*, as to amount to no more than putting their Lands into a condition of affording them only a bare and necessary Subsistence; your Honours will have futable Idea's of them when you see the Improvements made by the Purchasers themselves upon their own Demesnes, their Mansion-houses and Seats of Pleasure; which according to their own Bills given in by themselves to the Trustees (some part whereof consists of old Hats, Nails, Composts, Sparagrass, and a multitude of such trifling *Items*) do not exceed, as I am told, 5500 *l.* notwithstanding the clamorous Outcrys of Oppression and Injustice, wherewith they deafned the Ears of the two last Parliaments upon this very account; and I dare say these Lands are not really advanc'd one thousand Pounds in their intrinsic Value. The

The Third Article.

That those who purchased under Patentees are generally Protestants, who in their dealing for those Estates, acted agreeably to the then known and establish'd Laws of these Kingdoms; tho now by a Law made ex post facto, they find themselves in the Condition of forfeiting Persons.

This Article relates wholly to the Purchasers, who for a little real Mony have bought a great number of imaginary Titles from the Grantees: How far in this Matter they have acted according to the establish'd Laws of their own Country, I shall not here enquire; sure I am that they acted against the known and establish'd Laws of common Prudence and Discretion. That they have been notoriously guilty of the Breach of this Law, I shall make no scruple to affirm; but how far they have knowingly trespass'd against the Rules of good Manners, and Submission to their Superiors, against the known and uncontested Maxims of Justice and Equity, by laying their Sacrilegious Hands upon the Sacred Treasury of the Publick, set apart and consecrated by so many Unanimous Votes and Solemn Addresses of the Commons of England, ratified and confirm'd by his Majesty's most Gracious Answer and Royal Promises, I shall leave to your Honours to judg.

The Proceedings of the Purchasers illegal.

The Fourth Article.

That the ill Consequences of this Act, and the Execution of it, do not only affect the Purchasers of Forfeitures, but your Majesty's other Subjects who are wholly unconcern'd in those Titles, and disquiet the whole Kingdom: for some of the Trustees having declar'd in Court their Opinion, that what Land soever they shall think fit to sell, it shall be never afterwards controverted, whether that Land was the Estate of a forfeiting Person, and in consequence of that vested in them by the Act, but that their Sales, whatsoever they are, are confirm'd by the Act and past controul; your Majesty's Subjects of this Kingdom are sensible that if this Opinion prevail, the whole Property of Ireland depends upon the Arbitrary Wills of a Majority of the Trustees.

In the foregoing Paragraph, tho they had insolently libel'd your Honours, together with his Majesty and the Right Honourable the House of Lords, as guilty of Cruelty and Injustice, yet they must not stop there: For were a particular Inquiry made who were real Sufferers by the Act, and the Execution of it, I dare say if you take out of the Number those whom the desire of an over-reaching Bargain drew in to be Purchasers, there would not be found enough to fill a Stage-Coach from Chester. But Clamour is the Design, and Numbers must be the Instruments; therefore by this Paragraph the whole Kingdom must be alarm'd; the Consequences of the Act, and the Execution of it, do not only affect the Purchasers of Forfeitures, but his Majesty's other Subjects, who are wholly unconcern'd in these Titles, and disquiet the whole Kingdom.

The Proceedings of Parliament justify'd on the Act of Resumption.

I now begin to guess at the Penman of this Libel, for there is a Gentleman who knows enough of the Law to see the danger of setting his Hand to such a Paper as this, and has pleaded his Station to excuse him from doing it: That this Gentleman is disquieted, all the Judges of this Kingdom know full well, who have often heard him in Season and out of Season leave off declaiming for his Client, to exclaim and cry out very bitterly against the Act. None of the true Prophets of old, or the false ones of late did ever lift up their Voices higher against the Iniquity of old or new Babylon, than this Gentleman against the Tyranny, Oppression and Injustice of the Parliament of England. And he has got some few Followers who may be known by their squawling: But surely the whole Kingdom has no need to be disquieted; yes he will have them so, because some of the Trustees declar'd in Court their Opinion, 'That what Land soever they shall think fit to sell shall never be controverted, whether that Land was the Estate of a Forfeiting Person, and in consequence of that vested in them by the Act; but that their Sales, whatsoever they are, are confirm'd by the Act and past controul.'

The words I am told were not spoken in Judicature, but upon this Occasion: The King's Solicitor being in the Court of Claims, officiously mov'd the Point, Whether if Lands were sold by the Trustees, it could be made a Question afterwards in any other Court, whether those Laws were vested in them, and so the Title of the Purchaser be liable to be defeated? and he did then, as often before, deliver his Opinion magisterially, that the Sale was not Conclusive. Some of the Gentlemen on the Bench were astonish'd to see the King's Advocate prove a Council against the Publick; and having reason to believe that it was his design by such

The King's Solicitor's Behaviour.

Speeches to render the Titles under the Act doubtful and hazardous, and so deter People from purchasing, they read to him the Words of the Act, to convince him to Demonstration that the Sales were binding. I am the more assur'd that the Reasons offer'd by the Trustees were convincing, since I see the Matter reviv'd again; for as many of the Addressers as I am acquainted with are so angry with the Trustees for the sake of the Act, that they have no Reverence for their Authority, but out of fear of their Power: 'Tis plain then, the Resentment of this Paragraph runs against the Act.

Could I obtain the Favour, I would desire the Addressers to tell me their Reason; Is it because the Powers given in this particular are unreasonable, or new? They must be weaker much than I took them to be, if they can imagine the Parliament of *England* will take Peoples Money for Lands in *Ireland*, and leave it afterwards to them (*who once fancied these Lands their own*) to determine whether the Purchasers under the Act have a Right to them. If your Honours will be pleas'd to repeal the Clause here complain'd of, and redress this one Grievance, I'll answer for the Addressers that they will give up all the rest; for I know them so well, they will not suffer the Vesting Clause to do them any harm. The Wolves heretofore desir'd a Peace with the Sheep, and insisted but on one small Article, *viz.* that the Sheep should send away their Dogs. The Confirmation of the Sales is the Purchasers main Security; this the wise Legislators were aware of, and have provided so well for it, that none but those whom Avarice of their Neighbours Land, and an Ambition to lord it over all that are about them have blinded, can doubt of their Intention.

*Doubtful
Passages
to be ex-
plain'd.*

But since Providence has so fram'd things, that the most mischievous Creatures have least Cunning, and that these Addressers have thus betray'd their *weak Hopes*, your Honours will surely take the Hint from them to declare your Sense in plainer Words, if your Wisdom can find out any, for the Security, Quiet and Repose of the Purchasers. Full as large Powers were committed to the Commissioners who executed the Act of Settlement, and I believe it was never made a Doubt whether they had Power to judg what Lands were vested. But there is a main difference between these two Acts as to the Addressers, for by the Act of Settlement they enjoy the Lands set out by the Parliament of *England* to their Ancestors; by the Act of Resumption other Lands are taken from them, who either beg'd or bought them for an inconsiderable Price, from those who had at best but a precarious Title, and restor'd them to such who are to give the same valuable Considerations for them, that the Addressers Ancestors gave for theirs under the Act of Settlement.

But it must not be thought that Men of their profound Heads can be so angry without some Reason. Here comes a weighty one, *Your Majesty's Subjects of this Kingdom are sensible, that if this Opinion prevail, the whole Property of Ireland depends upon the arbitrary Will of a Majority of the Trustees.* How sensible his Majesty's Subjects of *Ireland* are, will I hope appear to the World by better Proof than this Address; but really I confess I don't understand what is meant by *Arbitrary Will*. Arbitrary Power is indeed to be understood, but the Force of *Arbitrary* when added to Will, which is the same thing, I cannot perceive: the Addressers will have a terrible Word, and they are not sure, but apply it as they will, it may do Execution; why not as well as *Teague's* Gun go off, whether charg'd or not? But it is a poor Task to criticize on an *Irish* Address, and yet if you take the word (*Arbitrary*) out of this Sentence, no Sense will remain; for then no more is said, but that the Parliament has made the Trustees Judges of Mens Properties, and therefore all those Properties are subject to their Judgment. This is wonderfully surprizing, and enough to disquiet the whole Kingdom.

*The Trust-
tees vindic-
ated.*

But tho they can't express themselves, they would be understood to mean, *That the Power of judging of Mens Properties being committed to the Trustees, Men are afraid that they are unsafe in their Possessions.* That this Act was necessary to be made, and this Power to be given by the Act, has been prov'd already. The Grievance then (if any) must be, that these Gentlemen are made Trustees; my Acquaintance is but with few of them, and I knew not above three of them before I left *England*. But the Honourable Way of their being appointed, makes me believe them as fit for that Trust as any can be; because I know not any Persons fitter to name them, than the Honourable Representatives of the People of *England*: and the Choice is justify'd beyond Exception, in that the Addressers (*who are as vigilant*

as Envy) have not charg'd them with any Misbehaviour in particular, tho in many parts of this Address they complain of the Execution of the Act in general.

The Fifth Article.

That the Power given to the Trustees is so arbitrary and unlimited, that all Persons under colour of Discoveries, or upon some other Pretences, are liable to be summon'd to appear before them, and to attend their Pleasure.

The Addressers are not yet out of their Fright, for they say, *The Power given to the Trustees is so arbitrary and unlimited, that all Persons under colour of Discoveries, or other Pretences, are liable to be summon'd to appear before them, and to attend their Pleasure.* This Paragraph was added for Ornament, for it has the least weight in it of any thing I ever saw. Could any Man but these complain, that Commissioners appointed by Parliament to inquire into what would be industriously conceal'd, should have Power given them to compel People to answer proper Questions; and that a Court which is to judg upon Proof, should be authoriz'd to summon Witnesses? This Power is necessarily incident to such a Commission, and would have been good by Implication. The Inquirer, and he from whom the Answer to the Inquiry is expected, are Relatives. These Gentlemen seem to me, to have copy'd the Bull of their Countryman, who said his Mother was barren; but perhaps they mean the Hardship is, that Persons should appear before and attend them. This indeed would be a learned Debate, whether the Witnesses should go to the Court, or the Court go to the Witnesses? There is an excellent Precedent to this purpose to be found in the Argument of the Grave-diggers in *Hamlet*. Your Honours may think this too ridiculous to be intended, yet (I am credibly inform'd) a late eminent Council dignify'd with more Titles than one, argu'd it solemnly at the *King's-Bench Bar*, That the Trustees had no Power to send for a Man out of Prison, because they might go to the Prison themselves, and the Goaler was bound by the Act to let them in. Now I find this Argument was fram'd at a Consultation, and I pretty well guess who sat President. Were it my business to say any thing on behalf of the Trustees, I would thank the Addressers for this Paragraph; for there cannot be a greater Complement paid them, than after they have been executing the Act for near two Years, to complain of, an unlimited Power given them by it, and not to show one Instance of their Abuse of that Power. But I am for my self and my poor Suffering Brethren; so I'll go on to the next Paragraph.

The Sixth Article.

That this Act is a great Discouragement to Protestant Proprietors to lay out Money on Improvements, upon account of the Uncertainty of Title to Estates here; it being constru'd not only to subject Titles establish'd by Judgments and Decrees of the highest Courts of Law and Equity here to the Examination of the Trustees, but in express Terms defeats a Title confirm'd by an Act of a Parliament, legally conven'd and held under your Majesty within this Kingdom.

If by this Article they did not wholly cast off and disown all manner of Subjection and Dependence upon England, they could not think it either matter of Wonder or Complaint, that the Supreme Legislature should establish a Judicature, with Power to rehear and re-examine the Judgments and Decrees of any other Courts whatsoever, and not only such as were given or pronounc'd by Judges and ordinary Magistrates, but by an Act of Parliament it self, tho ever so legally held and conven'd even in England, and much more in a dependent and subordinate Province. In answer therefore to that notable Suggestion concerning the Uncertainty of Titles, I shall only ask them whether they think it not a safer and better ascertain'd Title that is purchas'd under the highest Authority of an *English Statute*, than under the Grantees, or an Act of an *Irish Parliament*? If this be a Point too intricate and knotty for their cloudy Conceptions either to answer or comprehend, I shall leave it to their own Experience to convince them of their Folly.

The Seventh Article is answer'd before with the First.

The Eighth Article.

We are persuaded that the Parliament of England were in no sort appris'd, either of the Hardship or dangerous Consequence of this Act, and are sensible that the whole Act is grounded upon gross Misinformations given 'em concerning the Value of the Forfeitures, which were represented by the Persons intrusted with that Inquiry, to be at four times the Value of what they will be found to amount to. We will not affirm this was done wilfully, or to some private Ends: But we must say,

say, and can make it plain beyond denial, that all Proofs offer'd to them in their Inquiries, tho never so plain and evident, were disregarded and rejected, when they tended to lessen the Value of the Forfeitures, and deprive them of a Handle for making their exorbitant Report.

The Value of the Forfeitures not misrepresented.

This Article relating altogether to the Trustees, or rather to the former Commissioners of Inquiry, I waited on one of them, and shew'd him this part of the Address, who assur'd me that there was not the least Colour of Truth in this mighty Accusation; he told me the Methods the Commissioners took upon their former Inquiries, were to extract out of the several Grants and Inquisitions, the Denominations and Quantities of the forfeited Lands, and then they threw them into Counties and Boroughs, and took a Circuit thro the whole Kingdom, and examin'd on Oath to the Values of all the Lands within each Barony; and had all the Lands found by Inquisition and what past in Patent been forfeited, which were all valu'd and computed in the Report, he assur'd me they would have fully answer'd their utmost Valuation; and he gave me several Instances of great Quantities of Lands included in Grants, and not forfeited, or by this Act vested in the Trustees, particularly 13000 Acres were past in the Duke of York's Patent, and was no part of the private Estate or ever in possession; and that he believ'd near 100000 Acres might stand upon the same Foot: so that what Errors they committed were from Matters of Record; and that after Deductions made for what is taken out of the Trust by Clauses in the Act, and by allowance of Claims, they could not even at this day make a better Calculation of the Value of the forfeited Lands, than what is contain'd in that exorbitant Report here complain'd of. The Addressers, said he, need not have boasted in the latter part of this Clause, *That they could make it plain beyond denial, that all Proofs offer'd to them in their Inquiries, tho never so plain and evident, were disregarded and rejected, when they tended to lessen the Value of the Forfeitures, and deprive them of a Handle for making their exorbitant Report.* 'Tis true, the Agents for the Grantees did bring in their several Kent-Rolls, and offer'd all the Proofs they could to lessen the Forfeitures, which were disregarded and rejected, they chusing rather to rely on the Oaths of the Tertenants and a View of the Lands, than believe those whose Interest it was to deceive them: and had such their Proofs prevail'd, your Honours had indeed been impos'd upon, for the Trustees generally speaking have let the Lands for about double the Rent these honest Agents brought them in at, and yet the Lands are generally thought to be much under-let at this day.

The Ninth Article.

And we must add, that the Expences to which this Kingdom hath already been put in Attendance upon the Trustees, with Council, Witnesses, in Fees to their Officers, &c. the Salaries of the Trustees themselves, and of near Relations to some of them, and other Persons put into Employments, with great Allowances under them, with other Charges, which the Act hath occasion'd to this Kingdom, is cast up, will exceed the utmost that the Act even as now executed can produce: Such a Sum might without Grievance or Complaint have been laid equally on the Forfeitures in Ireland, and thereby the Publick might have receiv'd some Benefit, and this Kingdom not have groan'd under a Burden, which nothing but the last Necessity forces her to complain of in this manner: something of this kind may yet be done, tho not near to what might have been before the Country was so impoverisht by means of the Act.

The Salaries of the Trustees justify'd.

This Article, like the last, relates only to the Trustees; and therefore I shall only observe in a few words to your Honours, what occurs to me as a Person unconcern'd, and very little acquainted with the Executive part of this Act. As to the Salaries of the Trustees and their Officers, I find they are all to be defray'd out of the Produce of the Forfeitures themselves, and therefore it is no less weakly than maliciously offer'd as a Grievance to the Nation, separate and distinct from the Act it self: for since the Revenues of the forfeited Lands are to be dispos'd of to the Use of the Publick, it is all one to Ireland which way or to what Persons they are distributed; and as to the Fees paid to their Officers, I have been inform'd they are much more moderate than in any of the other principal Courts of Record in this Kingdom; neither do the Officers receive them to their own Use, or of the Trustees, but they are as much return'd upon account to the Publick as the Income of the forfeited Estates. If the Salaries allow'd to their Officers should be thought greater than they well deserve, the Remedy will be very easy and obvious, since I find by the Act that their Mony is only advanc'd to them by way of Imprest. But it

it seems to me a feeble Effort of their Spleen and Envy, to accuse them of employing a few of their Relations under them, and such who are no way defective either in Ability, Diligence, or Integrity, the want of which Qualifications ought to be the only Obstacles in Matters of this nature. It is therefore no Surprize that a commendable and laudable Endeavour to provide for the Advancement of a near Relation, should be here represented as a Vice, since one of the chief Promoters of this Address has been so notorious for the neglect of his Duty in this particular, who by his Dexterity in managing the Forfeitures has advanc'd himself to a very considerable Estate, yet can scarcely find in his Heart to allow his own Father (to say nothing of his other Relations) so much as a comfortable Subsistence, he being oblig'd to sell Ale for his Livelihood.

I shall now proceed to consider the latter part of this Article, which seems to me so very extraordinary and unaccountable, that I know not whether it will more work upon and excite your Honours Laughter or Detestation; for their Insolence and Ignorance seem to be here outvying one another, and contending for the Superiority. They think fit to let your Honours know, that tho they would have formerly been content to suffer an equal Imposition to be laid upon the Forfeitures, which must without doubt have been in proportion only to the inconsiderable Values they had formerly return'd to the Grantees, and most impudently impos'd on his Majesty, *The Addressers how concern'd in the Forfeitures.* your Honours must not now expect so favourable Terms of Composition with them; and that the Articles of Peace and amicable Agreement are now very much alter'd, since they have been so impoverish'd by means of the Act. Now I would fain see the Man in England, who does but consider that these Addressers are now no more concern'd in the Propriety of these Estates, than the forfeiting Persons themselves, who would not burst out into the utmost degree of Merriment, to see the pragmatical Impertinence of this Proposal tendred to the King and Parliament by these Trinculo's, and fantastick Vice-Roys, these errant *Sancho Pancha's*, and Squire-like Governours of their wild and enchanted Island.

How would *Democritus* laugh to see People bartering and driving a hard Bargain with the Parliament for what belongs intirely to themselves, accusing them of Severity, if not Injustice, for taking away so much of their own? It puts me in mind of a Story of a Highwayman that set up for a great deal of Conscience; and as he and his Companion were rifling an unfortunate Traveller, he was ever and anon reproving his Companion for Hardships done to the Captive, and ask'd him if he had no Conscience? At last when the Work was finish'd, the poor despoil'd Traveller address'd himself to his courteous Robber for some small Part of what was but very lately his own, to bear his Charges to his Journey's end. The good-natur'd Thief readily comply'd, and held out a Hat to him fill'd with his own Spoils, and bid him take as much as he pleas'd: The poor Traveller surpriz'd with the Favour, greedily thrust both his Hands into the Hat, and drew them out laden with Mony: Which as soon as the conscientious Thief espy'd, he held up his Fist at him for a Rogue, and said, Have you no more Conscience? In what an unrighteous Age are we fallen, where a Parliament is so unconscionable as to resume so much of their own? But I shall now consider the Conclusion of this Address.

The Conclusion.

May it therefore please your Majesty to suffer us upon this Occasion to assure your Majesty that your Protestant Subjects of this Kingdom are so sensible of the unexpressible Favours they have receiv'd from your Majesty, and of your tender Care of them, that nothing can ever shake their Faith and Duty to your Majesty; and that whatsoever the Malice of their Enemies may, for private Ends and ill Designs, suggest to the contrary, no Inducement whatsoever can prevail with them to endeavour to make, or so much as to wish themselves independent of, or not subject to the Crown of England: And that none of your Majesty's Subjects of any of your Dominions will upon all Occasions, show a more forward and ready Zeal to maintain and defend, against all Opposers whatsoever, your Majesty's Sacred Person and Government, the Protestant Religion, the Laws, Liberty, and the Rights of the Crown of England, than your Majesty's Protestant Subjects of Ireland.

This Paragraph is the last, and it must needs be so, for now the whole Plot is discover'd, and the Penman got to the highest Pitch of frontless Insolence; the whole Aim of the Libel is clearly open'd, and it is to insinuate to his Majesty, That the Parliament is rifling the Prerogative, and stripping the Crown of its Rights, and to offer their Service to chastise them for so doing. But his Majesty is above such little *The false Insinuations of the Addressers.* Flat-

Flatteries, and these half-witted Statesmen cannot fathom the Genius of the Hero. Indeed one would think that this Act, and the Execution of it, had so *disquieted* their Minds, that they had lost all manner of Understanding: Tho there is one thing in it falls out very luckily for them, which I dare say they did not think of; the Poverty and Misery which they represent in one part of the Address, renders them so despicable, that they may hope by being so low, to escape the just Re-sentment of the Parliament; and the want of Understanding which appears thro the whole is so great, that it will not be consistent with any Law to punish them. But who knows what may be done by the *Malice of those Enemies, who suggest, That they would endeavour to make themselves Independent of the Crown of England?* What fantastical Imaginations these poor Men have! Can any Rational Man believe, that the King, who from his Accession to the Crown has been the Spring, and has given Motion to a great Confederacy entred into for the Liberty of *Europe*, could ever let down his Thoughts so low, as to consider whether these Addressers wish'd to be Independent of the Crown of *England*?

A Roman Senator, whose extraordinary Knowledg as well as Care of the Affairs of the Publick, made him known and eminent, was met in the Streets by one whose Name and Face he was unacquainted with, and with much Importunity desir'd to give him a Hearing, while he clear'd himself of a Misrepresentation made of him and his Actions when he was in *Gaul*: The Senator reply'd, I protest, Sir, I never so much as once heard that you had been in *Gaul*.

I should now leave off to trouble your Honours with the Insolence and Folly of these Addressers, but that I saw the Address when it came recommended to me with a Circulatory Letter, which was sent to all the Counties of *Ireland*, which I must crave leave to lay before your Honours, *viz.*

Dublin, Decemb. 23. 1701.

Gentlemen,

The Circu-
lar Letter
of the Ad-
dressers.

'TIS the Opinion of our Friends in *England*, who have an Opportunity to make the best Judgment of Things, that if the King be rightly apply'd to, it may be in his Majesty's Power to procure us a Relaxation of the Grievances, which the Act of Resumption has brought upon us. They therefore have taken care to meet frequently to consult of proper Methods, and have imparted their Thoughts to us. We have follow'd their Advice, and have made it our Business to have the Sense of the Nobility and Gentry here concerning the same Affair. The Result of all the Consultations both there and here, and our unanimous Opinion is, That the best and indeed only Way, is for all the Counties in this Kingdom to represent our Grievances, and implore his Majesty's Favour and Assistance.

The Parchment enclos'd, is the Tenor of all the Addresses that we have sent to other Places: That which we intreat from you, and our good Friends of your County (as we have from Worthy Gentlemen and true Lovers of their Country, in all other Counties of *Ireland*) is, That you will with all your Interest recommend this Address at the next Quarter Sessions; the easiest and most concise Method will be to have it read publicly, and signed by the Justices of the Peace, Grand Jury, Clergy, Gentlemen and Freeholders of the County. When it is sent up hither (which pray do with all Expedition) due Care shall be taken to have it sent and presented to his Majesty by acceptable Hands. The Service you will do your Country, and the Obligations you will lay on the Protestants of this Kingdom, will be so great, that 'twill be needless to say by way of Incitement to you, that your Care in this Affair will greatly oblige

Your Affectionate Friends and Servants,

Meath

Meath C. S.
Inchiquin.
Abercorn.
Blessington.
H. Titchborn.
Gus. Hamilton.
J. Davies.
Ed. Brasier.
R. Adaire.
J. Corry.
Is. Advell.
Tho. Carr.
He. Tennison.
Tho. Burdett.
D. Brien.

F. Butler.
H. Davis.
Ja. Corry.
Ja. Topham.
Art. Sbaen.
Jo. Dillon.
J. Ormsley.
H. Westenra.
Wm. Crow.
Jo. Davis.
Tho. Burdett.
Da. Bryen.
M. Bridges.
R. Johnson.
B. Townley.

A. Davis.
Ed. Wingfield.
B. Butler.
Tho. Ash.
Dav. Brightone.
Wm. Connolly.
M. Coghill.
S. Dopping.
C. Campbell.
D. Golborne.
Rd. Owen.
Jo. Winstanley.
Geo. Merefield.

Postscript. As soon as you have got this signed, let it be returned to *Marmaduke Coghill* and *William Connolly* Esquires, who will take care to transmit it to proper Persons in *England* to present it to the King.

Who those Friends of theirs in *England* are, your Honours may easily find, and punish them too when found; they do not appear (as I believe they will by the Model of them at this side of the Water) too little for your Resentment. The Result of all their Considerations both there and here, lie now before your Honours in this matchless Address. But the unanimous Opinion of the Gentlemen on this side the Water, that all the Counties of *Ireland* should lay their Grievances open in the prescribed Form, is as ridiculous as if all should complain they were Maritime or all Inland Counties; for in some Counties not an Acre is forfeited, or any Man concern'd in the Forfeitures, nor have they heard of the disquieting Doctrine in the 4th Article of the Address; and I have been inform'd that in some Counties, the Promoters of it had not Interest enough to get it sign'd, and in others not so much as to get it propos'd.

*Remarks
on the said
Letter.*

The rest of the Letter contains nothing but sweetning Words to inveigle Subscribers, such as our good Friends of your Country, that they who do this are worthy Gentlemen and true Lovers of their Country. The Subscribing is call'd, the Service you will do your Country. If I was not resolv'd to the contrary, this would move me to Indignation, to see those Sacred Arguments profan'd to such impious Uses. Is it Service to your Country to endeavour to exempt it from the Legislature and Laws of *England*; your Obedience to which is the small Return they expect for their expensive Protection and Preservation of you? Are you good Friends to your Country, when in complaisance to a few inconsiderate Persons, enrich'd with the Spoils of the Publick, but fretted to Skin and Bone with the Disappointment of their Hopes of yet greater Acquisitions, you join with them in such petulant Resentments as may provoke the Power of *England* to forsake or punish it? This is so gross, that but few can be impos'd upon by it, and therefore I presage many a Skin of Parchment will be lost upon this Occasion.

The Postscript is short, but deserves a longer Remark than I can give it, I desire the Gentleman's leave to make a small Amendment; instead of (*as soon as, &c.*) I would have (*if you can get, &c.*) That will be more modest, and the Disappointment not cause so much Laughter: When it is sign'd it is to be sent to *M. C.* or *W. C.* who will take care to transmit it to proper Hands in *England*. One of those Gentlemen I don't know, but I guess his Name is made choice of to countenance the other, of whom if I did not make some Relation, several Expressions in this Paper might seem harsh and severe; but when compar'd with the Merits of the Man, must be judg'd tender and merciful; and I shall the rather do it, that your Honours by knowing who promoted this Libel, may see the End aimed at by it, and the Motives to it: He is one whom Fortune in a frolicksom Mood has rais'd from the lowest of the People, to make him equal in Estate with the Peers of the Realm. When his Majesty obtain'd his Glorious Victory at the *Boyne*, this Man could not reckon of his own as many Pounds as he does Thousands now; his yearly Expences have from that time exceeded his visible Acquisitions; his manner of living was so profuse that he got Followers, and was stiled Prince Conelly. Add, he has not only been ador'd by the Base and Vul-

*Account of
Prince Conelly.*

gar, but he has been so honour'd and caress'd by Men of Station and Figure, that he has had the saucy Haughtiness to insult one of his Majesty's Judges of Assize on the Bench, and to tell him, *He should come that Circuit no more.* Nay, such Reverence is paid to Wealth (however gotten) that at the Hearing of a great Cause lately in the Court of *Chancery*, where a Debate arose in what County an Issue should be try'd, the Event of which would dispose of a Noble Estate; one of the first within the Bar, signally ready to serve this Childless Man, told the Court, that he must except to about five Counties, because this Man was Agent in the Cause for the opposite Party, and had by his Merit justly procur'd to himself such Interest in those Counties, that his Clients could not with safety consent to have a Trial in any of them. What unhappy Speakers are Men that are Passionate; and how unlucky is a forc'd and unreasonable Complement! 'Tis a new way of proving a Man's Merit, to say that where he is Agent in a Cause, he will use all his Interest to sway and corrupt a Jury. The Discreet and Upright gaz'd at this glittering Meteor, and admir'd from what undiscover'd Mine he had rais'd so much Riches: But now the Mystick Knot is untied, the Commissioners for enquiring into the Forfeitures open'd the Scene, and the Trustees have set him in a true Light. When he had Power given him to sell an Estate, he took 2500 *l.* for the Purchase, and would have but 2000 *l.* mention'd in the Conveyance. These things are own'd, and this is call'd *Experience in Business*; but there is a much fouler Fact than this prov'd upon him, which I am perswaded he would own too, if the Fear of Punishment affected him no more than the Guilt does.

A remarkable Trial about a Claim on the E. of Tyrconnel's Estate.

A miserable Wretch (one *Parker*) had a Claim for Ten or Eleven thousand Pounds before the Trustees, on the Estate of the late Earl of *Tyrconnel*. Upon the Hearing it appear'd there was a forg'd Deed, a forg'd Will, a feigned Death and Burial, and indeed nothing real in the whole Matter, but that there was such a Man as the Lord *Tyrconnel*; and there are the Lands claim'd. This Claim was dismiss'd, *Parker* sentenc'd to pay the Penalty of Ten thousand Pounds, and the Witnesses order'd to be prosecuted; and they were accordingly afterward found Guilty of Perjury. This was by all esteem'd a bold Effort of Villany, and held to be too great to be contriv'd and carried on by that despicable Miscreant alone; some Abettors he must certainly have, but as yet no body could suspect who they were. A short while after an Accident threw *Parker's* Papers into the Hands of the Trustees, and so it was discover'd that this Man solicited and carried on the Claim; and that the whole benefit of it, except three or four thousand Pounds, was to accrue to him: This I was told appear'd to the Trustees upon a private Examination, and that they came to a Resolution about it. But this Man insisting upon his Innocence, obtain'd of the Trustees a publick Hearing: The Day appointed for it came, and Crouds flock'd to the Court, and the whole Country seem'd as much concern'd as if that Day's Trial was to decide all the Rights and Properties of the People of *Ireland*. My Curiosity led me thither too, and I staid full twelve Hours whilst the Cause was in agitation: I am not able to sum up the Particulars of the Evidence; but upon the whole, out of many of his own and *Parker's* Letters, out of the Draughts of Deeds drawn by his dearest Friend, out of the Deeds executed by himself, and out of the forged Deeds and Wills it appear'd as evident as Light. And the Trustees I am told were unanimously of Opinion, that he was Party and Privy to the Claim, and was to receive the greatest part of the Benefit of it allow'd.

And now since the Labours of my Youth, and the Support of my Age were attempted to be taken from me, by such as I have lately describ'd, I may be allow'd to be warm in the defence of it, and zealous in this Cause. When I speak of the Addressers, I mean not all that sign either the Address or Letter, for I have shew'd before by what Means most of them were prevail'd upon; and much less would I be understood to intend all the Gentlemen of *Ireland*: When I use more general Expressions, I declare only against those whose Hands have been deep in the Publick Mony; and when call'd upon by a Parliament in *England* to give up only what is left of it, trump up a wild Fancy of their own, and draw in other innocent Persons to the same Opinion, stiling it for the Liberty of the Country, that the Parliament of *England* ought not to make Laws for them. If such Pretences as these would hold, all Offenders would plead to the Jurisdiction of the Court that was to try them. *Ireland* is a Country that as well deserves Esteem as most in the World: The Clime is temperate, the Soil fruitful, and the Rivers commodious: Its Inhabitants;

bitants, the Protestants (I speak it by Experience) are diligent and laborious to get an Estate, and generous and genteel in the use of it. Their Address and Conversation is courteous and modest; and upon the whole, both the Country and People are such as I would chuse, and I am fully resolv'd my Debentures shall procure me Lands for my own Tilling. It can't be thought then that any of the hard Expressions in this Paper should relate to them; I mean none by it but those who have withdrawn their Allegiance to the Laws of *England*, by setting up the weak Doctrine of Independency; the most considerable part of the Nation having disclaim'd such an absurd Opinion, by being humble Suitors to you, amidst your own weighty and immediate Concerns, to make Laws for them, once to declare the late King *James's* pretended Parliament here to be a Rebellious Assembly, and to restore Corporations to their Charters evicted from them by *Quo Warranto*, or otherwise: And at another time, that Papists should be incapable to sit in either House of Parliament, and that none but Protestants should be qualify'd for the Bench or Bar. This is a Country that every way deserves your tender Care, as being certain to improve under it, and which will repay with large Increase, whatever Cultivating is bestow'd upon it. I don't deny but that the first Care of the Body Politick is due to the Heart and Vitals, but from thence the Aliment is to be distributed to the more remote Parts. I know your Justice is such, that you will make no Laws that shall seem burdensom to this Country; but when it is either necessary, or the Conveniency evident under your Government, then we shall be safe and happy, and you powerful.

*Character
of the Pro-
testants of
Ireland.*

*To the Honourable the Knights, Citizens
and Burgeses in Parliament assembled, the Humble
Petition of the Members of the Common-Council of
the City of London, bereunto Subscribing.*

Printed in
1690.

*This should
have been
inserted in
p. 169.*

SHEWETH,

THAT your Petitioners humbly conceiv'd and hoped, That the late Act of Parliament for Reversing the Judgment in the *Quo Warranto* against the said City, would have restor'd the City to its antient Rights and Privileges; but the contrary happening, your Petitioners beg leave to represent to this Honourable House,

That notwithstanding the said Act, several Aldermen of the said City, made or elected by virtue of Commissions or Charters from the late King *James* under his Great Seal, act still as Aldermen by that Authority, under pretence, That by some doubtful Expressions in the said Act they are continued, as well as Ministerial Officers.

That by colour of their assum'd Authority and illegal Proceedings, Sir *Thomas Pilkington* was by them, on the Day of Election appointed by the said Act, declar'd and made Mayor, tho not duly return'd by the Common Hall, according to the Usage of the City.

That by the Contrivance of the said Mayor and Aldermen, Mr. *Leonard Robinson* is impos'd on your Petitioners as Chamberlain of the City, notwithstanding another Person was duly elected into that Office, and declar'd so to be by the Sheriffs; and the Hall thereupon dissolv'd.

That divers Members of our Common-Council were illegally excluded; and others, duly elected, are refus'd their Admittances.

That the Place of Town-Clerk having been vacant three Months and upwards (an Office of great Trust in the City) and only eligible by, and in Common-Council, the said Mayor and Aldermen have, of their own Authority, appointed several Persons to the Execution thereof, without the Consent of the Common-Council, against the constant known Rights of your Petitioners.

That

That your Petitioners have not been suffer'd to meet and consult about the necessary Affairs of the City, according to their antient Rights and Customs.

That a Common-Council being summon'd and assembled, about the third Day of *October*, many Debates arising concerning the Premises, and several Motions being made, and the Majority of the Common-Council agreeing, that for settling the Rights of the City, an humble Address should be made to this Honourable House to explain the said Act: And thereupon the Question being desired to be put, the said Mayor refus'd it; and to prevent any such Application, immediately dissolv'd the Court, and went away.

Wherefore your Petitioners having, by these evil Practices, all their antient Rights and Privileges invaded, and neither Mayor, Court of Aldermen, Sheriffs, Chamberlain, Common-Council, or Town-Clerk, as of Right they ought to have; and being elsewhere without Remedy, humbly pray such Relief in the Premises, as shall consist with the Wisdom and Justice of this Honourable House.

And your Petitioners, as in Duty bound, shall ever pray, &c.

<i>William Dodson,</i>	<i>Will. Thatcher,</i>	<i>Jobu Moore,</i>	<i>Will. Pett,</i>
<i>Ralph Box,</i>	<i>Israel Knowles,</i>	<i>Law. Coles,</i>	<i>Rich. Weedon,</i>
<i>Richard Alie,</i>	<i>John Slyford,</i>	<i>Geo. Newland,</i>	<i>Sam. Ongley,</i>
<i>Will. Withers,</i>	<i>Tho. Gardiner,</i>	<i>James Woods,</i>	<i>Geo. Benson,</i>
<i>Richard Holder,</i>	<i>John Grosse,</i>	<i>John Cooper,</i>	<i>Tho. Short,</i>
<i>Rob. Bedingfield,</i>	<i>John Bland,</i>	<i>Mich. Symonds,</i>	<i>Sam. Leake,</i>
<i>John Midgley,</i>	<i>Isaac Brand,</i>	<i>Cha. Feltham,</i>	<i>Augustin Marriot.</i>
<i>Nich. Alexander,</i>	<i>Henry Lewes,</i>	<i>John Blake,</i>	<i>John Sawyer,</i>
<i>John Wright,</i>	<i>James Hudson,</i>	<i>James Smith,</i>	<i>Will. Reeve,</i>
<i>John Genew,</i>	<i>Ben. Ayloffe,</i>	<i>John Kent,</i>	<i>Roger Reeve,</i>
<i>Mich. Prescott,</i>	<i>John West,</i>	<i>Paul Wicks,</i>	<i>Fran. Griffith,</i>
<i>Dan. Templeman,</i>	<i>John Knapp,</i>	<i>Sam. Gerrard,</i>	<i>Tho. Templer,</i>
<i>Tho. Mills,</i>	<i>John Johnson,</i>	<i>Symon Wilmott,</i>	<i>Sam. Clerke,</i>
<i>Tho. Sissan,</i>	<i>Fran. Brerewood,</i>	<i>John Dowley,</i>	<i>Geo. Coke.</i>
<i>James Oades,</i>	<i>Richard Goodall,</i>	<i>Will. Strange,</i>	<i>John Stevenson,</i>
<i>John Hardrett,</i>	<i>Anth. Gregory,</i>	<i>John Saunders,</i>	<i>Fer. Wayte,</i>
<i>John Owen,</i>	<i>Tho. Salter,</i>	<i>Edw. Morse,</i>	<i>Fer. Elwes,</i>
<i>Peter Pickering,</i>	<i>Will. Lewen,</i>	<i>Nich. Smith,</i>	<i>Rob. Brough,</i>
<i>Will. Saltmarsh,</i>	<i>Peter Floyer,</i>	<i>John Westbrooke,</i>	<i>Sam. Walton,</i>
<i>Edw. Aston,</i>	<i>Rob. Littlebury,</i>	<i>Tho. Langham,</i>	<i>Rich. Hamond,</i>
<i>Hugh Strode,</i>	<i>John Moore,</i>	<i>Walter Coventrye,</i>	<i>John Foster,</i>
<i>Will. Woodroffe,</i>	<i>Will. Fownes,</i>	<i>John Cooke,</i>	<i>John Freeman,</i>
<i>Tho. Blackmore,</i>	<i>John Webb,</i>	<i>Henry Clerke,</i>	<i>Dan. Browne,</i>
<i>Abraham Jaggard,</i>	<i>Fran. Minshall,</i>	<i>Rich. Terbury,</i>	<i>Phil. Scarth,</i>
<i>Tho. Rogers,</i>	<i>Will. Tate,</i>	<i>Ralph Izard,</i>	<i>James Foulis,</i>
<i>Geo. Bearcroft,</i>	<i>John Greene,</i>	<i>Edw. Shaller,</i>	<i>Edw. Polbill,</i>
<i>Rob. Master,</i>	<i>Percival Gilborn,</i>	<i>Edw. Norman,</i>	<i>W. Pellatt.</i>
<i>James Cooke,</i>	<i>Edw. Herne,</i>	<i>James Clement,</i>	
<i>Tho. Darwin,</i>	<i>Will. Rous,</i>	<i>Rich. Edmondson,</i>	
<i>Rich. Beauchamp,</i>	<i>Tho. Symons,</i>	<i>Rich. Hoare,</i>	

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